

**Damaging Females:
Representations of women as victims and
perpetrators of crime in the mid nineteenth
century**

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Abstract

This thesis explores, and seeks an historical interpretation of, representations of women both as victims and perpetrators of crime in the middle decades of the nineteenth century. Moving beyond how criminal offences were defined, perceived and disciplined, the analysis highlights their broader social and cultural contexts and effects. Focusing primarily on media accounts and literary narratives of "sensational" and serious cases, it argues that the treatment of crimes of spousal murder, sexual violence and infanticide can be read for cultural and political meanings. At a time when the technological and commercial abilities to satisfy the public appetite for crime stories were rapidly expanding, these narratives became a significant arena in which social preoccupations, anxieties, and conflicts were symbolically explored. As forms of cultural production, therefore, crime narratives constituted, communicated and contested social and political values relating, for example, to issues of class and gender, morality and character, public order and the body. At the heart of this study, therefore, lies the opportunity to explore how the female figures of such accounts, whether murdering women or rape victims, related to their wider world.

Unlike court proceedings and legal records, which were accessed by a small minority only, many of the sources on which this analysis is based were produced for popular consumption; they were available to an increasing audience. Thus, local newspaper reporting of Assizes cases are examined alongside the national press, the writings of middle class reformers and social commentators, and a range of literary texts including broadsides, melodramas, "respectable" novels and cheap, sensational fiction. Graphic illustration provides an additional site of representation, particularly influential as it could be read by everyone including the wholly illiterate. However, crime narratives cannot be treated as simple windows into the past - they constitute particularly constructed images, fashioned in accordance with journalistic practices, commercial enterprise and literary conventions as well as the cultural and power dynamics of the period. Female criminals and victims of crime in early Victorian society were defined as damaging and damaged; in order to explore the wider social meaning of these representations close textual analysis of primary sources is allied with a detailed identification and contextualisation of the specificities of the different narrative forms.

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Introduction

Approaching the history of crime - developing conceptual and theoretical frameworks

Breaking a law sets apart certain actions as a special kind of event, which can disrupt some social solidarities and create others; crimes exercise power in ways that reveal social hierarchies and fields of disempowerment; they communicate values, especially contested ones; they generate symbols for social relationships.¹

As social and cultural historians have given increasing attention to the study of crime over the last 30 years, it has become recognized as an area rich in historical possibilities. My own exploration of representations of women as victims and perpetrators of crime in the mid-nineteenth century in literature, newspapers, journal articles, broadsides and graphic illustration is inspired in the first instance by pioneering works, which proclaimed the potential of crime records and reporting as a means of analysing the social fabric. Within the development of this historiographical tradition the works of E. P. Thompson, Douglas Hay, Peter Linebaugh and Michael Ignatieff have marked a critical intervention.² Following closely from the Conference of the Labour Historical Society in 1972, identified

¹ Edward Muir and Guido Ruggiero, (eds.), *History from Crime*, The John Hopkins University Press, 1994, p. x.

² Although the work of these historians have been subjected to subsequent challenge and revision they continue to inspire much current research. Significant studies include: Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson, and Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England*, Pantheon Books, 1975; E. P. Thompson, *Whigs and Hunters: The origin of the Black Act* (1975), Penguin Books, 1990; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*, Pantheon, 1978.

by Clive Emsley as an 'important landmark in the history of crime'³, their scholarship focused on changes in the criminal justice system in the eighteenth and nineteenth centuries, and delivered a fundamental challenge to traditional Whig narratives that had traced a process of growing enlightenment and humanitarian reform.⁴ As part of their project of studying 'history from below', and working within a Marxist framework that prioritised both cultural influences and class interests, this group have demonstrated the visibility of the poor in criminal records; they have explored also the exercise of power relations in the framing of criminal policy and its implementation. Our knowledge of how the law was administered in this period and its relationship to class interests has thus been significantly deepened. In the process, an alternative tradition to the Whig view of progress was established, one that has often placed the defence of property and the imperative of the ruling elite to reproduce existing power relationships, at the centre of analysis.⁵ The debate between progress and social control has come to dominate the history of crime until recently; the ways in which a negotiation of these opposing paradigms has helped to shape the rationale, methodology and theoretical approach of this study will therefore be outlined.

In *Crime and Industrial Society in the Nineteenth Century*, J. J. Tobias offers an optimistic appraisal of crime trends and judicial policy in this period. He attributes the decline in violent crime by the second half of the nineteenth century, penal reform and the decrease in

³ Clive Emsley and Louis A. Knafla, (eds.), *Crime History and Histories of Crime: Studies in the History of Crime and Criminal Justice in Modern History*, Greenwood Press, 1996.

⁴ See, for example, J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century*, B. T. Batsford Ltd., 1967; Sir Leon Radinowicz, *History of English Criminal Law and Its Administration*, Stevens, 1948.

⁵ For example, in his thesis on the 'Bloody Code' of the late eighteenth century Hay argues that the increase in capital statutes was a strategy employed by the Hanoverian elite for preserving a social system based on an unequal distribution of property. D. Hay, 'Property, authority and criminal law', in D. Hay et al. (eds.), *Albion's Fatal Tree*.

capital offences to 'the more civilised way of life and the reduction in violence in life in general'. He suggests that a less brutal and increasingly humane society is ultimately the positive outcome of industrial progress, and that high levels of crime in the earlier period were merely the labour pains of a new society. By the 1850's and 60's greater prosperity and improved conditions facilitated a marked reduction in the crime rate, and 'the hardened juvenile thief, the hordes of criminal youngsters had disappeared from English towns'. England, he claims, 'got used to being an urban and industrialised country'.⁶ Tobias corroborates these sweeping statements, neat transitions and emotive analysis with impressionistic accounts, which he uncritically replicates and internalises. Tobias' story of the relationship between crime and the social and economic transformations of the period is grossly oversimplified and at times shrouded in sentimentalism, echoing the self-righteous tones of nineteenth-century moral reformers. He describes, for example, the 'pernicious effects of a morally unhealthy environment', and sanctimoniously asserts: 'It is certainly clear that most of the proceeds of crime went on drink'.⁷ As the basis of such conclusions Tobias authorises 'the accumulation of general impressions' gained from prison chaplains, social investigators and members of select committees, individuals directly involved in law enforcement, criminal justice and penal reform; they are, he claims, 'sources entitled to our respect'.⁸ Indeed, in his affirmation of the notion of a professional criminal class who 'lived a life of its own separate from the rest of the community', Tobias not only echoes the views of nineteenth-century commentators, for whom the belief in an alien or fringe group was more comforting than acknowledgement of the links between crime and widespread

⁶ Tobias, *Crime and Industrial Society*, pp. 38-41.

⁷ Tobias, *Crime and Industrial Society*, p. 179.

⁸ Tobias, *Crime and Industrial Society*, p. 125.

poverty and social inequalities, he also adopts their language of cultural superiority. Thus, this 'dangerous' class were like 'detrified Africans' unable immediately to adjust to violent economic transition; they were a dislocated group 'jerked out of centuries of certainty into an uncertain world'.⁹ In his limited consideration of female criminality Tobias again authorises contemporary perceptions claiming that women acted primarily as accomplices and decoys, and that prostitutes were 'often in league with pickpockets'. Female thieves and prostitutes in their own right, however, though proportionately smaller in number than criminal men 'were said to be worse than most of the men'.¹⁰ Tobias thus endorses the view that when women were not led astray but acted independently, they exhibited the most extreme forms of deviancy.

Tobias' work on crime in the nineteenth century, therefore, serves as a warning of the pitfalls of accrediting contemporary perceptions with the stamp of "truth" rather than exploring the versions of reality that these views expressed. In my own study of women and crime, for example, when judges and jurists persistently defined victims of domestic violence as 'unfortunate women', rape victims as 'imprudent', and women who poisoned as perversions of femininity, these representations are the starting point for analysis and not authorised statements of actuality delivered by sources 'entitled to our respect'. Furthermore, Tobias' trust in the face value of 'worthwhile' qualitative evidence and his refusal to engage with problematic statistical data ensures a flawed and superficial interpretation of the relationship between crime in the nineteenth century and wider economic, social and cultural change. This relationship has, however, been explored more

⁹ Tobias, *Crime in Industrial Society*, p. 245.

¹⁰ Tobias, *Crime in Industrial Society*, p. 92.

productively in the sociological analyses of historians influenced by Marxism and Foucauldianism such as Peter Linebaugh and Michael Ignatieff.

In his study of public hangings at Tyburn in the eighteenth century, for example, Linebaugh suggests that new insights are offered by aggregation. An individual case study might highlight and, indeed, enact 'the political or moral exemplification that the eighteenth-century hanging represented', but in order to explore the sociological make-up of those who were condemned, categorisation and quantification become essential tools.¹¹ His analysis reveals that the London hanged were mobile and international, and that particularly prominent amongst them were servants, butchers, weavers and Irish sailors. Most belonged to the proletariat and Linebaugh claims that:

We need to understand them in the context of the labour market, and the buyers of labour power. That is to say, the social history of Tyburn must also be an economic history of the trades and working conditions of its victims.¹²

Therefore, the disproportionate number of butcher apprentices who were hanged, many for highway robbery, can be explained within the context of the transition from a moral economy to capitalist marketing practices. In a trade increasingly controlled by wholesalers and dealers the opportunities for butchers to carry out their business were severely restricted; their criminal activity can be understood as an effect of this displacement as these small traders became 'an essential part of the oppositional culture of working-class London'.¹³ Consequently, 'what may appear incidental or anecdotal in the

¹¹ Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century*, Penguin, 1991, p. 4.

¹² Linebaugh, *The London Hanged*, p. 111.

¹³ Linebaugh, *The London Hanged*, p. 213.

individual case may attain from an aggregated study a significance that puts it close to the essence of class relations in civil society.¹⁴ As a reinforcement of his argument Linebaugh also highlights the extensive media attention given to the infamous Jack Sheppard; as story after story of his dramatic escapes fuelled the popular imagination he came to symbolise the aspirations of, and possibilities for, freedom amongst the London poor. The hangings at Tyburn, therefore, not only represented 'individual dramas', but also symbolic performances of political, cultural and class contestation.

The dangers of valorising the past are apparent in Linebaugh's reading of the Tyburn hangings, and more recently historians have warned against oversimplification or overstatement of the connections between crime and the wider economic and social environment, presenting criminal actions and their responses unproblematically as a function of class relations. In a cultural analysis of executions in the period 1770-1868, for example, V. A. C. Gatrell not only explores relations of authority but further contends that, 'The gallows were also embedded in the collective imagination, the subject of anxiety, defence, and denial, of jokes, ballads, images, and satire, and of primal gratifications too'.¹⁵ Clive Emsley in his work on the eighteenth and nineteenth centuries reminds us that the working classes did not necessarily side with convicted criminals against a common class enemy, that they discriminated in their support or condemnation of criminal activities, and were themselves often victims of crime.¹⁶ However, Linebaugh's project of reading stories of the condemned as a way into exploring the social body, and his approach of employing

¹⁴ Linebaugh, *The London Hanged*, p. 5.

¹⁵ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868*, Oxford University Press, 1996, p. 32.

¹⁶ Clive Emsley, *Crime and Society in England, 1750-1900*, Longman, 1987, p. 97.

complementary quantitative and qualitative methodologies remains valid; crime narratives cannot be understood in a social vacuum and establishing statistical frameworks and patterns can be instructive. The statistical exceptionality of the three women executed for domestic murder in Suffolk in the period between 1830 and 1860, for example, must inform any analysis of the legal and media treatment of their crimes. Similarly, to establish that the vast majority of women convicted for concealment of birth and infanticide in the same period were single, working-class women raises issues of poverty, social welfare policy in the form of the New Poor Law system, and social stigma. This is not, however, to embrace any crude economic determinism; for to move between text and context involves engagement with a range of discursive practices whose relationships are invariably complex.

If Linebaugh interpreted public hangings at Tyburn in the eighteenth century as an articulation of class relations, Michel Foucault and Michael Ignatieff have also explored strategies of power in their analysis of the shift in penal policy and practice in the late eighteenth and nineteenth centuries. Foucault's argument has developed from his observations of a more general change in the treatment of convicted criminals in Western Europe, whilst Ignatieff specifically focused attention on the dismantling of the Hanoverian 'Bloody Code', in which a wide range of offences could be punishable by death or transportation, in favour of incarceration as standard sentencing policy by the mid-nineteenth century in England.¹⁷ Rejecting the Whig orthodoxy that explained this

¹⁷ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, [1975] Penguin, 1991; Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850*, Pantheon, 1978.

transformation in terms of morality and rationality - 'the general reforming and liberalising spirit of the age'¹⁸ - they attributed developments in criminal policy to the search for increasingly successful strategies of domination. Hence, both historians link the new philosophy of carceral discipline to a declining confidence in the disciplinary effectiveness of capital and public punishment, which could degenerate into 'popular bacchanal' or become a site of protest. Ignatieff argues that imprisonment not only denied these possibilities but could also serve a utilitarian purpose by returning convicted criminals to the labour market once they had been subjected to 'the lash of remorse', thus serving the needs of capitalism.¹⁹ The close associations made in this period between crime and the squalid, corrupting and undisciplined life of the poor also established the penitentiary as a means of social and moral quarantine, as well as a reforming institution where repentance would be the end product of 'carefully and scientifically inflicted pain'.²⁰ As the prison system developed in the nineteenth century a central feature became the constant surveillance of inmates and custodial staff, together with the rule of silence, meagre diets and the grinding labour of the treadmill. The opening of Pentonville prison in 1842, it was suggested by Ignatieff, marked the culmination of this new thinking on punishment that had been evolving since the eighteenth century. It also represented the centralisation and rationalisation of the machinery of law and order as punishment and policing became professionalised.

¹⁸ Tobias, *Crime and Industrial Society*, p. 221.

¹⁹ Ignatieff, *A Just Measure of Pain*, p. 78.

²⁰ Ignatieff, *A Just Measure of Pain*, p. 73.

For Ignatieff this new ideology of punishment directly related to social and economic transformation; a changing social structure and developing class interests demanded more effective systems of coercion and control. Thus, the reforming actions of Elizabeth Fry and John Howard, for example, cannot simply be understood in humanitarian terms or as 'spiritual calling'. Their new philosophy:

Is not simply a vocation, a moral choice. It is also an act of authority that creates a linkage of dependency and obligation between rich and poor. Of necessity therefore it is a political act, embarked upon not merely to fulfil personal needs, but also to address the needs of those who rule, and those who are ruled.²¹

This view is clearly influenced by Foucault's pioneering work in which he had charted a transference of the site of punishment from the body to the soul, acting on the heart and will, and performed away from the public gaze. Its purpose was to correct and reclaim, to remake the individual through constant observation, rules, penalties and repetitive work disciplines, thereby instilling habits of obedience and docility. This signals not greater humanitarianism but rather a new science of discipline, 'a tendency towards a more finely tuned justice, towards a closer mapping of the social body'.²² Furthermore, Foucault suggests that reform was not intended as an amelioration of the excessive nature of earlier punishments, but as a corrective to inconsistencies, irregularities and loopholes in the economy of power. Hence:

The reform of criminal law must be read as a strategy for the rearrangement of the power to punish, according to modalities that render it more regular, more effective, more detailed in its effects; in short, which increases its effects while diminishing its economic costs and political cost.²³

²¹ Ignatieff, *A Just Measure of Pain*, p. 153.

²² Foucault, *Discipline and Punish*, p. 78.

²³ Foucault, *Discipline and Punish*, p. 80.

The overriding objective of reform, therefore, was 'to punish better; to punish with an attenuated severity, perhaps, but in order to punish with more universality and necessity; to insert the power to punish more deeply into the social body'.²⁴

This view has undergone important revision, no less than by Ignatieff himself.²⁵ Changes in criminal policy in this period are no longer represented as so complete, or so narrowly defined in political terms. Martin Wiener argues, for example, that to describe the new methods of punishment as a 'bourgeois' or 'capitalist' strategy for domination is 'stretching the common usage of the term to the snapping point'. At the same time, to define the new penal philosophy merely in terms of an extension of state power is to deny its wider social and cultural significance; rather, it can be read 'as encoding and representing distinctive modes of constructing social reality, of envisaging human nature and social priorities - and the tensions and dilemmas that these modes carried with them'.²⁶ This is not to deny, however, the enduring significance of the works of Ignatieff and Foucault for any historian who ventures into the field of crime in this period. Highlighting a fundamental shift in the focus of punishment which cannot be ignored in any study, they expose the inadequacies of liberal interpretations, and foreground the issue of the relationship between crime, its definition and treatment, and wider social, political and cultural change. If their theories of surveillance and social control 'offer one simplism in place of another',²⁷ the challenge of their analysis has inspired a more complex understanding of human motivations and

²⁴ Foucault, *Discipline and Punish*, p. 82.

²⁵ See Michael Ignatieff, 'State, Civil Society, and Total Institutions: A Critique of Recent Social Histories of Punishment', *Crime and Justice* 3, 1981.

²⁶ Martin Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*, Cambridge University Press, 1994, p. 102.

²⁷ Wiener, *Reconstructing the Criminal*, p. 8.

interests, and new ways of defining power in relation to discourse and the production of knowledge.

For Foucault in particular, the new practice of punishment represents not so much a punitive mechanism exercised by one class against another but a 'complex social function'. In bringing the body under close surveillance it becomes self-observing and self-regulating; it is a more complete and subtle technique of power. Moreover, the shift from crime as an attack on the sovereign to crime as an act committed against the social body, now implies self-mutilation rather than strictly hierarchical power structures. Thus Foucault is describing a wider pattern of cultural change involving the relationship between new forms of knowledge and evolving techniques and strategies of power. He directs us to the micro-level, to the diffusion of power within small scale institutions and local relations; he emphasizes that where authority is exercised resistance is also to be found, such as in the gallows speeches, which both testified to the power of the sovereign and excited popular protest and challenge.²⁸ Power is, therefore, never merely repressive and coercive in its effects; it is also productive of knowledge, and agency can be expressed through a negotiation of cultural constructs and practices. Hence, when working-class women as victims of domestic violence brought their grievances before the courts their stories of abuse invoked the violation of the home and failed masculinity; this alignment with middle-class social concerns constituted their best chance of support for their cases.²⁹ The point is

²⁸ Foucault, *Discipline and Punish*, pp. 67-69.

²⁹ See chapter 3 for a full analysis of cases involving violence committed by husbands against their wives. See also Shani D'Cruze, *Crimes of Outrage: Sex, violence and Victorian working women*, UCL Press, 1998.

that power is exercised within social relationships and processes, and exploring its operation and dispersion can be historically fruitful.

A redefinition of the meaning and operation of power thus lies at the heart of Foucault's theoretical challenge. His assertion that power is exercised rather than possessed demands the study of strategies, networks and mechanisms of power, and a rejection of the notion of power as a hierarchical relationship contained within economic and social structures. Furthermore, Foucault's analysis of the relationship between power and knowledge suggests a shift from ideology to discourse in social theory.³⁰ If language is productive of meaning rather than the transmitter of content, the deconstruction of texts provides the analytical means by which language may be explored for its constitutive abilities.³¹ Our understanding of the past, therefore, is inevitably mediated by texts and by linguistic codes and conventions. Language, however, cannot be regarded as a mirror image of a prior reality; it is opaque, and unable to convey its meaning without interpretation. There is also a distinction to be made between language or textuality in the general sense and the concept of discourse as elaborated by Foucault. Discourse in the Foucauldian sense alludes to a particular form of language with its own rules and conventions of distinguishing knowledge and truth, and its own regularities of dispersion. These 'discursive practices', as Foucault described them, extend beyond individual texts and disciplines; they 'are embodied in

³⁰ For a detailed discussion of Foucault's critique of ideology see, Michele Barrett, *The Politics of Truth: from Marx to Foucault*, Polity Press, 1991.

³¹ For a detailed articulation of this idea and an example of historical analysis based on the constitutive powers of language see, Patrick Joyce, *Democratic Subjects: The Self and the Social in Nineteenth Century England*, Cambridge University Press, 1994. For a discussion of the implications of the 'linguistic turn' for social history see also Patrick Joyce, 'The End of Social History?', *Social History*, No. 1, January 1995, pp. 73-91.

technical processes, in institutions, and in patterns of general behaviour'.³² Thus the linguistic and the social are inextricably linked. Within this study, for example, medical and scientific discourses on character and sexuality occupied a privileged position in the definition of the criminal activities of women or their victimhood; doctors, forensic scientists and phrenologists claimed expertise and monopolies on truth. Even in such cases the relationship between power and discourse is not a simple hierarchical arrangement; rather than envisioning an all powerful subject which produces and manipulates discourse, Foucault identified those who produce, organise and negotiate discourse as part of a discursive field. Even in rape narratives, therefore, it will be argued that women's silence or very tentative articulation of their experiences can be seen as a circumspect deployment of sexual language in telling their own stories.³³

Although considerations of gender have been no more a priority for Foucault than for Ignatieff, Linebaugh and, indeed, Tobias, his reformulation of theories of power as located in the production, exercise and mobilisation of discourse has profoundly influenced new currents in criminology and the intervention of feminist historians into the arena of the history of crime. This theoretical realignment together with the challenge offered by a historiography sensitive to the interplay between issues of gender, class and ethnicity constitute the most significant influences on my own approach to the study of women as victims and perpetrators of crime.

³² Jeffrey Weeks, 'Foucault for Historians', *History Workshop Journal*, No. 13, Spring 1982, p. 111.

³³ For a more detailed analysis of rape narratives see chapter 4.

Women, gender and crime

Gender, as a category of analysis, has become deeply embedded within women's history offering a conceptual tool with which to excavate and explore constructions of sexual difference that are ingrained in all societies. Indeed, the idea of gender has challenged the very notion of a "women's history" that is conceived as a narrow and exclusive compensatory project, for it questions the extent to which women can be studied in isolation from the experiences of men, and discourages the treatment of women as a unified group pursuing common aims, interests and occupations.³⁴ Gender thus pervades social ideals, activities and expectations, and intersects with historically specific ideas of class, nation and locality in the construction of identities, social institutions and structures; it is an 'integral element in the formation and operation of the legal, political and economic frameworks of society'.³⁵ Without this organising concept recent scholarship on female crime and deviancy would look very different indeed.

The relationship between gender ideals and penal theory and prison practice thus lies at the heart of Lucia Zedner's analysis of female crime in Victorian England. She argues, for example, that the comparatively low level of female convictions may be attributable to a belief in the innate non-criminality of women, but that female offenders were more likely to be stigmatised having compounded their legal transgressions by compromising their

³⁴ These ideas have been particularly elaborated by Joan Scott and Denise Riley who have advocated the study of the social meanings of gender through an analysis of language and discourse. See J. Wallach Scott, *Gender and the Politics of History*, Columbia University Press, 1988; Denise Riley, "Am I That Name?" *Feminism and the Category of "women" in History*, Macmillan, 1988.

³⁵ Jenny Kermode and Garthine Walker (eds.), *Women, Crime and the Courts in Early Modern England*, UCL Press Ltd., 1994, p. 1.

idealised roles as wives and mothers. As a result prostitution and alcoholism were particularly condemned as 'moral crimes', a betrayal of woman's "true" nature and social obligations.³⁶ Zedner also charts what is now a well-documented story of the shift from moral explanations of female criminality at the beginning of the period to increasingly biological/psychological accounts in the latter half of the century when criminal women were defined as 'feeble-minded' or 'moral imbeciles'; physiological and social defectives incapable of proper moral judgement and behaviour.³⁷ This idea of the flawed biology and hence diminished moral capacities of offending women underpinned classical studies of female crime such as that of Lombroso and Ferrero; it denied the possibilities of rational choice and action, and thus isolated the criminal activities of women from the economic and social contexts within which they occurred. Carol Smart further argues that although such nineteenth-century theories of criminality have been discredited as 'intellectually inadequate and morally distasteful', their influence is difficult to eradicate. Assumptions about the "true nature" of women persist in present-day responses to female deviancy at both the official and popular levels; as Smart contends:

It is not surprising, therefore, that many myths, from the theological belief in the fundamental evil and wickedness of Woman to the paternalistic belief in Woman's frailty and gentleness, still prevail in accounts of female criminality.³⁸

The enduring nature of such stereotypes serves to confirm that gender is the lens through which women are judged. It also highlights the need for self-examination, for historians to 'unravel their own cultural and individual preconceptions', for in contrast to political and religious subjectivities 'the manner and extent to which ideologies of gender are woven into

³⁶ Lucia Zedner, *Women, Crime and Custody in Victorian England*, Clarendon, 1991, p. 2.

³⁷ Zedner, *Women, Crime and Custody*, pp. 6-8, chapters 6 and 7.

³⁸ Carol Smart, *Women, Crime and Criminology: A Feminist Critique*, Routledge and Kegan Paul, 1976, p. 3.

our presumptions are far harder to uncover and disentangle'.³⁹ In explaining the persistence of gender stereotyping in the field of crime it is also crucial to acknowledge the political incentive in relegating female deviancy to an expression of an essential nature. As Smart observes, these actions are thus denied social significance, for:

Within this paradigm deviant individuals are not considered to be social critics, rebels or even members of a counter culture; rather they are treated as biological anomalies or as psychologically 'sick' individuals.⁴⁰

If Zedner reminds us that the criminalised activities of women may have held differential meaning for those in authority her study fails to incorporate any comparative analysis of the treatment of offending men in relation to models of masculinity. Introducing *Women, Crime and the Courts in Early Modern England*, however, editors Kermode and Walker not only point to the gendered labelling of criminal activity in modern western criminology but highlight the contrasting categorisation and responses to crimes committed by men and women. Men who commit crimes are more likely to be defined as 'criminal', their motives rational, economic and explicable; women, on the other hand, are frequently represented as mentally ill, irrational or insane. Moreover, certain criminal acts are labelled as "female" or "male" on the basis of their association with particular gender attributes. In the early modern period witchcraft, scolding and infanticide were constructed as "female" activities not simply because it was predominantly women who were convicted of these offences but because their crimes were seen to be consistent with the "essential" nature of womanhood. Highway robbery, on the other hand, evoked "male" qualities and skills including courage,

³⁹ Kermode and Walker, (eds.), *Women, Crime and the Courts*, p. 20.

⁴⁰ Smart, *Women, Crime and Criminology*, p. 29.

daring and physical strength; as a result, 'our image of the successful highway robber encompasses positive and exciting male attributes'.⁴¹ Kermode and Walker suggest that the gendered categorisation of crime needs to be more fully deconstructed. An exclusive focus on "female" crimes, however, may reproduce and reinforce this labelling effect if we do not also explore the treatment of those women whose offences were considered to contradict their very nature. It will be seen, for example, that the female murderer in the mid-nineteenth century, whose victim was her spouse rather than her infant child, was defined as the very antithesis of womanhood, and her preferred method of killing by poisoning came to be viewed as an emblem of a particularly threatening manifestation of female deviancy. Physical violence committed by men against their wives, however, evoked a rather different legal and media response. It is the contention of this thesis that a more complex grid of representations, incorporating both female and male perpetrators and victims, is productive of the most textured analysis of the cultural meanings of crime.

Margaret Arnot's detailed exploration of the social and cultural meanings of infanticide in the period between 1840 and 1880 recognises 'the importance of gender as both a dynamic in history and an organising principle that pervades social life and experience'.⁴² She argues that at a time of rising illegitimacy rates, leniency in the response to infanticidal women sanctioned their exploitation. At infanticide trials accused women were often represented as non-rational and mentally frail on account of the disruptive physiological effects of their childbirth experiences. Arnot's analysis is furthered, however, by her

⁴¹ Kermode and Walker (eds.), *Women, Crime and the Courts*, p. 6.

⁴² Margaret L. Arnot, *Gender in Focus: Infanticide in England 1840-1880*, Ph. D thesis (unpublished), University of Essex, 1994, p. xv.

recognition that much is to be gained from a comparison of the differential treatment of male and female offenders within legal discursive practice as a result of gendered assumptions. Hence she notes that acts of violence committed by men against their children received harsher sentences as the insanity defence was more difficult to apply in their cases. The slower deaths of children from starvation or neglect, on the other hand, were attributed to maternal failings as it was mothers who were defined as primarily responsible for the nurture and care of their offspring.⁴³ There remains a danger, however, of imposing restrictions on the meaning of female crime if it is simply placed in crude relationship to male criminality, and not examined within the context of women's wider social and economic roles. Arnot's study certainly cannot be criticised for this as she carefully locates the practice of infanticide within the nineteenth-century material world of poverty and low female wage rates, poor housing and sanitation, alcohol abuse, and a punitive poor relief system that discriminated against unmarried mothers. She thus demonstrates the importance of also asking what infanticide meant to its perpetrators, rather than merely exploring the meanings imposed by a legal response that often denied the existence and contribution of external social, economic and cultural factors.

A similar sensitivity to wider material and social concerns also informs Judith Walkowitz's study of Victorian prostitution. Her analysis differentiates between the values and interests of a dominant culture within which the prostitute was defined in various pathological and moral terms as a 'miserable creature' or a 'depraved temptress', and the meaning which prostitutes and their own class attached to their "sexual deviancy". By focusing on

⁴³ Arnot, *Gender in Focus*, chapter 4.

economic conditions and the urban environment Walkowitz is able to show that prostitutes tended to be 'unskilled daughters of the unskilled classes', and that their entry into the trade often represented a rational choice in the face of severely limited options and general exploitation.⁴⁴

The work of Arnot and Walkowitz, therefore, accommodates a multiplicity of meanings that were constructed around acts of female crime and deviancy. Although gender furnishes them with an effective analytical tool that is prioritised in their approaches, it is never considered to act alone. In her discussion of infanticide and child neglect cases, for example, Arnot highlights issues of class and empire, which were deeply implicated in scathing middle class attacks on working-class child rearing practices. She shows how infanticide itself was increasingly represented as a 'foreign' and 'uncivilised' crime that had no place in an 'enlightened' and Christian society.⁴⁵ In *City of Dreadful Delight*, which explores late-nineteenth century narratives of sexual danger, Walkowitz comments on the ways in which literary men and social investigators who visited working-class districts depicted the poor as a 'race apart'.⁴⁶ Lynda Nead, in her study of iconographic representations of Victorian women, allies the establishment of sexual and moral norms to the creation of class hegemony, arguing that:

The representation of women can never be contained within an investigation of gender; to examine gender is to embark on an historical analysis of power which includes the formation of class and nation.⁴⁷

⁴⁴ Judith Walkowitz, *Prostitution and Victorian Society: Women, Class and the State*, Cambridge University Press, 1980, p. 15.

⁴⁵ Arnot, *Gender in Focus*, chapter 2.

⁴⁶ Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Virago Press, 1992, p. 17.

⁴⁷ Lynda Nead, *Myths of Sexuality: Representations of Women in Victorian Britain*, Blackwell, 1988, p. 8.

The prostitute therefore was defined against, and implicated in, the constitution of a particular set of middle-class values; as a 'conduit of moral and physical disease' she threatened moral degeneration, the disruption of the family and class relations, and national well-being. Nead also shows how the figure of the prostitute was appropriated in varying political terms; by middle-class social commentators as a symbol of urban vice, the 'Great Social Evil' threatening family and social order, and by radical working-class critics as symptomatic of exploitative class relations under capitalism.⁴⁸

The scholarship of Arnot, Walkowitz and Nead have thus demonstrated that drawing gender into the analytical equation need not, and indeed should not, exclude class, national and political identifications and interests. However, in deconstructing female deviancy historians have not simply added a category or involved themselves in a compensatory project; they have fundamentally challenged the nature of historical knowledge. As Carol Smart has recently argued:

To direct research at women without revising traditional assumptions about methodology and epistemology can result in making women a mere addendum to the main project of studying men. It also leaves unchallenged the way in which men are studied.⁴⁹

Smart therefore rejects a positivist approach, whether it be based on economic determinism or feminist empiricism, in favour of the greater diversity, fluidity and uncertainty of poststructuralism. The poststructuralist method can offer, however, a more nuanced insight into gender relations, and highlights crucial intersections between class, gender and ethnicity as articulations of power. In *City of Dreadful Delight*, for example, Walkowitz

⁴⁸ See Nead, *Myths of Sexuality*, Chapter 4.

⁴⁹ Carol Smart, *Law, Crime and Sexuality: Essays in Feminism*, Sage Publications, 1995, pp. 40-41.

demonstrates the historical possibilities of such an approach. Claiming that late-nineteenth century narratives of sexual danger 'illustrate the operation of power in a Foucauldian sense, as a dispersed and decentred force that is hard to grasp and possess fully',⁵⁰ she explores how debates over sexuality became a strategy for exercising power in society through categorisation and control. Power in this sense is never the property of one class or group; it is never merely punitive and coercive, but is also productive of knowledge. This is not necessarily to deny the forces of capitalism and patriarchy; as Carol Smart observes, knowledge is never neutral or ungendered, and patriarchy is part of women's unconscious, so that 'the way we think and the way we desire, cannot be separated from the cultural meanings attributed to gender difference'.⁵¹ At the same time, to cling to the universal claims of meta-narratives as all-embracing explanations is to deny subtleties and complexities of experience and social relations. As Smart argues:

To understand more adequately the specificity of women's oppression it might be useful to turn away from trying to integrate the monolithic structures of capitalism and patriarchy and instead concentrate on concrete instances of gender domination and its interrelation with factors of race and class in specific instances.⁵²

Smart's observations embrace the possibilities of poststructuralist theory for contemporary feminism but the relationship between feminism and this new epistemology has not been problem free.⁵³ If a shift from searching for an objective "truth" to deconstructing knowledge itself and exploring the exercise of power has been conceded, there remains the

⁵⁰ Walkowitz, *City of Dreadful Delight*, p. 8.

⁵¹ Smart, *Law, Crime and Sexuality*, p. 78.

⁵² Smart, *Law, Crime and Sexuality*, p. 134.

⁵³ For a detailed discussion of the relationship between feminism and Foucault see, Caroline Ramazanoglu (ed.), *Up Against Foucault: Explorations of Some Tensions Between Foucault and Feminism*, Routledge, 1993.

anxiety that in focusing on the constitutive operations of language and discourse the human subject may be lost, reduced to the sum total of her or his constructed elements. The idea of the fluid or volatile subject with no essential being complicates the political objectives of feminist historians, for whilst it has been important to recognise that "woman" is not a static category, that women's interests, preoccupations and priorities are diverse, the fear is of women vanishing altogether.⁵⁴ As Smart herself acknowledges, in rejecting patriarchy as a grand narrative poststructuralism threatens any simple or unified emancipatory project, for:

What it most disrupts is the association that scientifically produced knowledge fuels politically correct actions and strategies. It disrupts the idea that women's experience can be read as an oracular utterance which can be harvested to produce a Truth which alone carries political force.⁵⁵

In the process, however, what is offered is a more nuanced understanding of human experience achieved through analysis of the discursive properties of language rather than the employment of sources as a reaffirmation of pre-formulated grand theories. The complex interaction of different aspects of inequality are more likely to be illuminated by the shift to the micro level of historical enquiry, and crime narratives, whether fictional or "real", provide rich material for such a project.

However, whilst conceding that "women" cannot and should not be treated as an homogeneous group, it is the contention of this study that the category remains useful as a way of emphasising the constraints and processes which are common to many women,

⁵⁴ The idea of "women" as a cultural and historical, rather than essential, category has been strongly articulated by Denise Riley. She suggests that "women" should be regarded as a 'volatile category in which female persons can be very differently positioned, so that the apparent continuity of the subject of "women" isn't to be relied on'. Riley, *"Am I That Name"*, p. 2.

⁵⁵ Smart, *Law, Crime and Sexuality*, p. 10.

though they may indeed be experienced differently. This includes the negotiation of cultural restrictions, and resistance to their often subordinate position, whatever the nature of their oppression might be. As editors of a collection of essays on early modern criminal women and their treatment before the courts Kermode and Walker claim that: 'rather than offering essentialist explanations of the differential power of men and women, the overall theme of this book encompasses female power, female knowledge and female experience'.⁵⁶ Despite a legal system that continually subordinated their interests, and the persistence of undoubted gender inequalities, female agency was, nevertheless, exercised. Although experience itself should not escape deconstruction, and cannot be privileged with an objective authority,⁵⁷ this statement serves to highlight Foucault's contention that where power is exercised resistance is also to be found, and that agency can be articulated through responses to and engagement with existing cultural constructs and practices.

Indeed, in its focus on complex techniques of power the poststructuralist approach offers greater opportunity for agency as it 'does not seek always to depict women as the powerless ones, while nonetheless recognising that there are specific modes of deploying power in ways which are expressly gendered'.⁵⁸ This notion of agency has always been a significant feature of Judith Walkowitz's work, though her understanding of how agency can operate has developed alongside a poststructuralist method. In her earlier study of prostitution and the Contagious Diseases Acts she expressed her anxiety that women should not be represented as 'subordinated, silent victims of male sexual abuse', arguing that although

⁵⁶ Kermode and Walker (eds.), *Women, Crime and the Courts*, p. 20.

⁵⁷ For a discussion of the deconstruction of experience see, Joan Scott, 'The evidence of experience', *Critical Inquiry*, 17, Summer 1991, pp. 773-97.

there is no place for false valorisation and exaggeration of what opportunities existed for them, 'the story of women's resistance to the dominant forces of society needs to be told'.⁵⁹ Without underestimating the constraints which shaped the lives of prostitutes in the nineteenth century - legal, economic and social, Walkowitz nevertheless claims that they 'emerge as important historical actors, as women who made their own history, albeit under very restrictive conditions'.⁶⁰ This is an expression which owes more to the cultural Marxism of E. P. Thompson than Foucault. In *City of Dreadful Delight*, however, Walkowitz frames her commitment to exploring female agency in terms which mark the development of her theoretical approach; no one, she argues, is outside of power relations, even those on the periphery are included. Therefore, just because 'women of different classes and races have to rely on cultural constructs to tell their "truths"', and are not free or autonomous authors of the texts they produce, does not mean that their influence and agency cannot manifest itself in the mobilization and negotiation of 'existing cultural tools'.⁶¹

In exploring representations of women both as victims and perpetrators of crime in the nineteenth century, therefore, the story is not simply one of subordination, oppression and appropriation. The ways in which women described their own experiences may have been severely constrained but their self-representation constitutes a critical voice and is often, in itself, an expression of agency. Their words, as recorded in the press, deserve particular attention. Equally, the portrayal of criminal and victimized women in legal discourse, in

⁵⁸ Smart, *Law, Crime and Sexuality*, p. 7.

⁵⁹ Walkowitz, *Prostitution and Victorian Society*, p. vii.

⁶⁰ Walkowitz, *Prostitution and Victorian Society*, p. 9.

⁶¹ Walkowitz, *City of Dreadful Delight*, pp. 9-10.

journalism and in fictional narratives are historically significant for their implication in the construction and exercise of class and gender identities and relations, which impacted on the lives of ordinary women and men. These accounts, however, were not produced in a social vacuum; representations operate within specific material and social contexts that structure their meaning. Texts are produced by socially situated authors and are consumed by socially situated readers. Before their nature can be explored the crime narratives at the centre of this historical investigation need to be located within the broader currents of mid-nineteenth century culture and society.

**The mid-nineteenth century moment:
National and local contexts**

Protracted debate over the standard of living in England in the first half of the nineteenth century has highlighted the significance of identifying 1845 or 1850 as a particular point of reference. While the 'Hungry 40's' were dominated by widespread poverty and deprivation in both industrial and urban areas and expressions of social and political protest in the Chartist movement, the Great Exhibition of 1851 proclaimed the economic and technological miracles of the industrial age, and heralded a period of greater economic stability before the depression years of the last quarter of the century. This idea of an age of extremes is now familiar; however, recent contributors to the discussion have stressed the slow and uneven pace and varied effects of the processes of change in this period; they have demonstrated the value of regional and local analyses in developing a more nuanced,

and inevitably less neat, picture of the economic and social transformations that were taking place.⁶²

It was certainly the case, nevertheless, that between 1830 and 1860 Britain was establishing itself as an industrial society. Patterns of living and working were changing as the apprenticeship and living in systems declined and wage dependency and the cash nexus increasingly dominated people's lives; the individual wage slowly replacing the household economy. The main beneficiaries of the new wealth were the manufacturing, commercial and professional classes, though their self-congratulation was tempered by insecurities and anxieties as industrialisation exacerbated their fears that traditional relationships between employer and employee were breaking down and threatened social and moral degeneration. The employment of women and children in the textile industries had by the 1830's and 40's, for example, become a particular focus of concern, raising issues of domestic efficiency and defective socialisation, and challenging traditional notions of the sexual division of labour. In response the paternalistic arm of government was at last succeeding in establishing protective legislation with regard to hours and conditions of work, though its scope and effectiveness remained limited, and the issue of poverty which underpinned the participation of women and children in the formal economy was not addressed. As population increased generally, and particularly in the industrial centres, fear of urban decay was perceived in both physical and moral terms. Lynda Nead has identified how the

⁶² Recent scholarship has emphasised the importance of studying the very specific conditions of local economies and their effects on work and the family. The working patterns of women and children have also increasingly been taken into account. See, for example, S. Horrell and J. Humphries, 'Women's labour force participation and the transition to the male-breadwinner family, 1790-1865', *Economic History Review*, XLVIII, 1995, pp. 89-117; Sonya Rose, 'Proto-Industry, women's work and the household economy in the transition to industrial capitalism', *Journal of Family History*, 13, 1988, pp. 181-193.

figure of the prostitute was defined as an emblem of city vice, 'an agent of social chaos', spreading both disease and moral contamination.⁶³ Anxieties were further articulated in the popularity of romantic depictions of rural life and landscape in the art of the period; as traditional values and ways of life were increasingly located in a rural idyll, the nineteenth-century myth of the countryside was created. This idealisation of rural life became implicated in the telling of local, sensational crime stories, which attracted national attention. In accounts of the Red Barn murder, for example, 'rustic' Maria was frequently portrayed in terms of rural innocence seduced by metropolitan profligacy and vice.⁶⁴

Images of 'simpering rusticity', sunny harvest fields, cottage values and harmonious social relations contrasted, however, with the realities of rural life. In mid-nineteenth century Suffolk widespread poverty created individual and family hardship and social tensions; it also threatened political stability. Indeed, the first half of the century was dominated by waves of rioting and arson attacks. High food prices during and after the Napoleonic Wars, unemployment and declining farmworkers' wages contributed to incidences of criminal damage in which agricultural machinery and buildings were targetted. The Swing Riots of the 1830's and the years between 1838 and 1845, when cases of incendiarism frequently filled the Assizes, marked only the peaks of a dissatisfaction which was, in fact, endemic in this period. Other conditions contributed to this social misery; despite emigration the population of Suffolk had increased by 50% in the first half of the century and a system of open and close parishes created pockets of overcrowding as labourers working in close

⁶³ Nead, *Myths of Sexuality*, chapter 4.

⁶⁴ For a fuller discussion of the country idyll in relation to the Red Barn murder, see chapter 1, pp. 16-21.

parishes sought accommodation in the nearest towns and open villages. These areas were rapidly developed by speculators, and poor housing and chronic overcrowding were not the preserve of the industrial towns. A report of 1850 described the 'extreme misery' of Bury St. Edmunds, and 'parishes crowded with small houses' in Ipswich.⁶⁵ Glyde, in his *History of Suffolk*, compared the low wages of labourers in Suffolk with more favourable rates in other counties, which he attributed to 'the redundance of agricultural labour which depreciates wages and oppresses property in almost every district of the county'.⁶⁶ By 1834 half of the population of Suffolk was dependent on some kind of relief; the establishment of 18 Poor Law Unions and large union workhouses after 1834 and the subsequent decline in relief exacted a further toll of material, social and psychological distress.⁶⁷

Although attracting some new industries such as the production of artificial fertilizers from coprolites in the south-east of the county and gun-cotton manufacture in Stowmarket, agriculture remained the mainstay of the county of Suffolk. The depressions of the first half of the century and of the closing decades were, therefore, the cause of social and economic misery, particularly for those for whom emigration was not an option. The authors of nineteenth-century directories, however, chose to ignore this deprivation and celebrated instead what they saw as agricultural improvement and the commercial and cultural successes of the county. In 1829 J. Munro described Bury St. Edmunds as 'the Montpellier of England'; 'The streets', he continued, 'which are always clean are wide, well-

⁶⁵ David Dymond and Peter Northeast, *A History of Suffolk*, Phillimore & Co. Ltd., 1995, pp. 97-101.

⁶⁶ John Glyde, *Suffolk in the Nineteenth Century: Physical, Social, Moral, Religious and Industrial*, London, Simkin and Marshall & Co., 1856, p. 350.

⁶⁷ Dymond and Northeast, *A History of Suffolk*, p. 98.

paved and lighted, and have been much improved by the erection of modern buildings'.⁶⁸ Here Munro is expressing civic pride in the construction of the Gaol, House of Correction, Theatre and Assembly Rooms. In 1850 *Knights County Handbook and Suffolk Almanack* proudly declared:

In no county of England is agriculture carried on with greater skill. The crops are wheat, barley, oats, peas, seeds of various kinds, mangolds, turnips, and other roots. The wheat is of excellent quality and usually commands a high price in the London market. The barley is amongst the best grown in England, and is largely malted for the Burton and other large breweries. Mangel wurtzel and turnips are grown by the skilful Suffolk farmers, of wonderful weight and quality for grazing purposes. The livestock has been celebrated amongst agriculturalists.⁶⁹

Depending on one's position and social perspective, the mid-nineteenth century could be represented in terms of widely contrasting images, attitudes and values.

If this historical moment was marked both locally and in the wider context by extremes of poverty and wealth, optimism and anxiety, confidence and insecurity, the period between the 1830's and 1870's has also been identified as the heyday of the cult of domesticity.⁷⁰ Amongst the new middle classes in particular the ideal of the home came to be celebrated, as the physical and emotional distance between the private and public spheres increased. The desire for a more congenial living environment away from the polluted and populated districts was made possible by rising incomes and the high commercial value of land in the urban centres, the sale of which could pay for suburban residences; these residences

⁶⁸ J. Munro, *A Topographical and Historical Description of the County of Suffolk*, Woodbridge, 1829, p. 369.

⁶⁹ *Knights County Handbook and Suffolk Almanack*, Henry Knights, Ipswich, 1880, p. 21.

⁷⁰ John Tosh, *A Man's Place: Masculinity and the Middle-Class Home in Victorian England*, Yale University Press, 1999, p. 6. See also the pioneering work on the development of the middle-class of Leonore Davidoff and Catherine Hall, *Family Fortunes: Men and Women of the English Middle Class*, Hutchinson, 1987.

became demonstrations of status, success and respectability. As John Tosh has emphasised, the domestic ideal was not only instrumental in the definition of femininity and women's role, but, 'never before or since has domesticity been held to be so central to masculinity'.⁷¹ Moreover, domestic values of comfort, nurture and security were seen to counterbalance the competitive, aggressive and individualistic ethos of the market place, for:

Home stood for cooperation and love, while modern society seemed dedicated to cruel and impersonal competition. In the most ambitious versions of this ideal the ennobling values of the home were destined to suffuse and transform the wider society.⁷²

The profound attachment to domesticity amongst the middle classes in this period, therefore, impacted on the working classes whose conduct was subjected to increasing scrutiny by their social superiors; before the courts, for example, the behaviour of both men and women was judged against the standard of idealised models of masculinity and femininity. Furthermore, John Gillis has traced a decline in illegitimacy and return to legal marriage amongst the working classes by mid century, while Anna Clark has identified the emergence of a new notion of domesticity in the 1830's and 40's, particularly amongst the radical and dissenting working classes. There was, she suggests, increasing emphasis on the chivalric and protective role of men and on the ideal of the male breadwinner.⁷³ These ideals were, however, difficult to achieve in the face of adverse economic conditions, and

⁷¹ Tosh, *A Man's Place*, p. 1.

⁷² Tosh, *A Man's Place*, p. 31.

⁷³ For a detailed discussion of marriage patterns amongst the poor in relation to working class culture and economic considerations see, John Gillis, *For Better, For Worse: British Marriages, 1600 to the Present*, Oxford University Press, 1985, pp. 233-241. Anna Clark deals with the impact of social and economic change on the domestic and gender ideology of working class groups in, Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class*, University of California Press, 1995, pp. 63-87. See also chapter 3 of this thesis, pp. 12-16.

could become the source of sexual antagonism. Moreover, traditional associations between hard drinking and the male prerogative to coerce and correct their wives competed with new notions of masculinity. It will be seen, therefore, that particularly in cases of domestic violence complex ideologies, each fraught with inner contradictions, inform legal debate and the representations of both victims and perpetrators of crime.

If domestic and gender ideals contributed in significant ways to the treatment and representation of deviancy in this period, the same can be said for the developing medical and scientific professions with their increasing claims to knowledge and expertise. The nineteenth century is sometimes portrayed as a period in which science and religion offered alternative and exclusive explanations for social experience and human behaviour, with science increasingly replacing the authority of religion; this suggests too simplistic a model. By mid century, evangelicalism as a religious movement may have been declining; its values, however, persisted. Although there was a trend towards greater diversity in, and fragmentation of religious belief, dwindling church attendance cannot be used as a crude barometer of religious faith. Nevertheless, the ability of medical and social science to diagnose and treat individual and social ills was asserted with ever-increasing confidence. For in this period:

Medical men were becoming oracles on all issues of physical health, giving evidence in court, pronouncing on sanitary questions or enforcing children's vaccinations. These public roles as well as private practice were opening for them some of the social and moral prestige formally given to the clergy.⁷⁴

⁷⁴ Leonore Davidoff, Megan Doolittle, Janet Fink & Katherine Holden, *The Family Story: Blood, Contract and Intimacy 1830-1960*, Longman, 1999, p. 113.

In cases of rape and murder, including infanticide, the testimonies of "expert" witnesses assumed increasing significance. The tests and theories of forensic medicine for establishing live birth dominated infanticide trials while surgeons confirmed suspicions of insanity by diagnosing 'puerperal mania' and similar conditions stimulated by the physiologically disruptive influence of childbirth on the already vulnerable female constitution. Relatives and neighbours corroborated these diagnoses by offering their knowledge of family histories of mental instability, thus demonstrating their complicity in the new science and the ways in which these ideas assumed everyday and "common sense" dimensions.

The mid century, then, marks a transitional period in the ways in which human behaviour and characteristics were defined and understood. In the earlier decades belief in the ability to reform and reclaim dominated as deviancy was interpreted as the eruption of evil or animal impulses. Personal responsibility and restraint, and the moral imperative of the church to urge the checking of such destructive urges were thus emphasised. For those who erred faith was placed in the reforming potential of asylums and penal institutions. Overlapping and competing with these ideas, however, biological explanations for deviant behaviour were increasingly privileged. The sciences of phrenology and physiognomy, closely allied to the new discipline of anthropology propounded the view that criminals were born with a certain disposition and that these tendencies were physiologically evident. Phrenological examinations of the skulls of executed criminals and detailed descriptions of the facial characteristics and body language of those who stood in the dock became regular features of crime reporting. As a logical outcome of these trends in scientific thinking, by

the last quarter of the century criminality had become de-moralised, reinterpreted in terms of 'organically doomed' individuals.⁷⁵ For the main period of this study, however, moral and biological theories competed and coexisted uneasily.

If the mid-nineteenth century was characterised by an increasing confidence in the abilities of medicine and science to explain and de-mystify, faith was also expressed in a reforming and modernising legal system. Changes in criminal policy and penal reform, as has been seen, were perceived by those in authority as a more effective and enlightened approach to the problem of crime. Cases heard before the Suffolk Assizes between 1830 and 1860 provide a focus for this study and permeate many of the chapters; they represent the most serious offences involving women, as minor crime was increasingly dealt with summarily by magistrates in petty sessions, or if a less serious indictable offence, by justices at the Quarter sessions.⁷⁶ The Assizes represented, therefore, a higher court and its significance within the judicial system was highlighted by the pomp and ceremony which surrounded the arrival of judges and barristers in county towns to preside over its proceedings.⁷⁷ Local dignitaries and troops were mobilised in a display of the authority of the judicial operation, described in *Household Words* in the following terms:

The judges entering any assize town to fulfil their commission represent the highest authority of the law, and it is therefore required that the sheriff - the shire-reeve, or chief officer of that shire or division of the county - shall advance with javelin-men to meet them, escort them with all honour to their lodgings. It is also required by

⁷⁵ Wiener, *Reconstructing the Criminal*, p. 240.

⁷⁶ For a detailed description of legal institutions and structures in this period see, J. Beattie, *Crime and the Courts in England*, Princeton University Press, 1986.

⁷⁷ There were 7 Assizes circuits in England and Wales. Sessions were held twice a year, at Lent (March/April) and in the summer (July/August), in principal towns. From 1839 the Lent Assizes in Suffolk were held at Bury St. Edmunds and the summer Assizes at Ipswich; previously they had both been held at Bury.

ancient custom, that if there be any troops stationed in the town, they march out of it when the judges enter, so showing that the civil power is to be unhindered and supreme.⁷⁸

A grand jury having been sworn in, they would then read the bills of indictment against those to be tried, rejecting any which seemed insufficiently supported by evidence. The judge's general observations on the state of the county and on the calendar would follow with a list of prisoners, names, offences and dates of commitment. This public performance of civil authority was repeated at the beginning of each assizes; it was also faithfully recorded in the newspapers. It constituted the initial drama from which a succession of popular crime narratives, both journalistic and literary, were to follow.

Damaging females: Crime narratives and the power of representation

If, for instance, we know the past only through representations of one sort or another, representations which necessarily have properties of their own, historians must engage with their properties, and cannot simply use representations as a means of access to something else, as unproblematic windows into a prior reality.⁷⁹

Popular desire to consume crime stories, whether in the form of 'true life' criminal biographies, media coverage of sensational trials or fictionalised accounts, is not a phenomenon exclusive to the nineteenth century. The recent trials of Rosemary West and Louise Woodward were avidly followed through television news, documentaries and

⁷⁸ *Household Words*, No. 326, Vol. XIII, Saturday, June 21, 1856, p. 529.

⁷⁹ Martin J. Wiener, 'New women vs. Old Men?: sexual danger in later Victorian England', Roundtable: City of Dreadful Delight, *Journal of Victorian Culture*, Vol. 2, Part 2, 1997, p. 302.

tabloid and broadsheet journalism, whilst Myra Hindley's crime and her fate remain a burning issue 33 years after her conviction for her part in the Moors murders. Deviancy, particularly in the form of 'real life' stories, clearly continues to fascinate. The modern appetite for crime narratives can be traced back to the rise of the novel in the eighteenth century and the developing taste for realism; to stories that featured particular characters carefully located within their social environments.⁸⁰ It was, however, in the nineteenth century with the parallel expansions of print technologies and the reading public that the commercial potential of crime came to be fully realised, and an appetite for crime stories became an enduring feature of our culture.⁸¹ For the historian who makes crime narratives the focus of her research careful consideration needs to be given to the nature and status of such accounts as forms of cultural production, in order that they might be explored for historical meaning.

Establishing the "truth" about past cases, solving unsolved mysteries and pronouncing judgements of guilt or innocence on historical actors have extremely limited historical possibilities; such a project merely replicates the aims of nineteenth-century journalists to seek out and present the "facts", and the claims of literary men and women that their fictional works expounded moral "truths". There is, however, a genre of historical writing about women and crime which pursues just this objective of seeking out the truth about past

⁸⁰ *Moll Flanders*, written by Daniel Defoe and first published in 1722 is an example of an early novel in which the heroine is a criminal. The social background to her story is provided by increased concerns about rising crime in London and the efforts of the state to deal with it, as well as issues of poverty. For a detailed analysis of the development of this genre in literature see, Ian Watt, *The Rise of the Novel*, [1957] The Hogarth Press, 1987.

⁸¹ See chapter 1, pp.64-65, for a more detailed discussion of the growth of literacy and newspapers in the nineteenth century.

cases. In *Women Who Kill*, for example, Ann Jones asserts: 'I compared as many different accounts as I could lay hands on and produced a version as close to truth as I could get', though she does acknowledge, 'I have read and retold history as a feminist'.⁸² However, in exploring specifically the representations of women as victims and perpetrators of crime in journalistic, literary and legal accounts of the mid-nineteenth century, this study is premised on the power of representation to shape our reality. It focuses in particular on the work of narrative in the construction of identities and the social imaginary, on the idea that the 'self' and the 'social' always construct one another through language and narrative.⁸³

It is, therefore, specifically the defining properties of popular narratives which inform the approach of this study. Narrative, it has been argued, 'is a crucial tool for comprehending human existence and for placing ourselves in history and a cosmos'.⁸⁴ In essence, stories give our lives meaning; not only do we perpetually translate everyday experiences into narrative, we also negotiate ideological narratives, products of our social and cultural environment. Narratives include a sense of story, a sequential though not necessarily chronological telling of events and happenings; they include characters who are set in described social, historical or geographical locations. Narratives also possess a voice, usually voices, which articulate perspectives and direct the reader or listener. In the mid-nineteenth century criminal cases both past and present generated a particularly wide range

⁸² Ann Jones, *Women Who Kill*, Holt, Reinhart and Winston, 1980, p. xviii. See also Mary S. Hartman, *Victorian Murderesses: A True History of Thirteen Respectable French and English Women Accused of Unspeakable Crimes*, Robson Books, 1977. Although Hartman relates her subjects to their economic and social position and the prevailing gender ideology, she recounts their stories as detailed but unproblematic narratives.

⁸³ For a detailed elaboration of this conceptual position see Joyce, *Democratic Subjects*, p. 153.

⁸⁴ David Ray Papke, *Narrative and the Legal Discourse: A Reader in Storytelling and the Law*, Deborah Charles Publications, 1991, p. 1.

of crime narratives incorporating journalistic literature, reportage, cheap broadsides and penny dreadfuls as well as more "respectable" fiction. It is the argument of this thesis that this complex layering of storytelling holds cultural significance in the production of social knowledge of female criminals and victims in this period.

Although legal records themselves are not a principal source for this study, the basis of and inspiration for almost all crime narratives in the nineteenth century were recent and contemporary criminal cases. It has been noted that in criminal trials themselves there is a 'conversion of raw materials of life into a story that will claim the truth in legal terms'.⁸⁵ Trials observe a particular pattern as lawyers listen to and retell the stories of their clients; narrative skills are essential in compiling and presenting a convincing and coherent brief; they lie at the heart of the nineteenth-century courtroom performance. Rhetorical devices such as narrative coherence, dramatic presentation of the "facts", and logical argument were often the key to successful advocacy. Indeed, the whole courtroom drama was dominated by recognisable narrative strategies and constraints including the ceremonial opening of the Assizes, the theatrical staging of the courtroom with its audience and performance platforms, the adversarial format, a strong emphasis on character, and the formal conclusion of the decision-making process. This ready-made narrative formula was adopted and adapted in media and literary accounts. Nineteenth-century Assizes trials were public occasions in themselves; public participation in these performances of the law was greatly extended by media reporting and literary accounts. With the growth of a print

⁸⁵ James Boyd White [1973], cited in Christine Bell and Marie Fox, 'Telling Stories of Women Who Kill', p. 473.

culture, therefore, legal trials and the narratives they stimulated became a significant arena in the production and contestation of social knowledge. As Robert Hariman observes:

Societies function in part by sharing beliefs that achieve the superior status of knowledge; this social knowledge is dynamic, that is, always being created, tested, changed and abandoned or amplified; this process by which society reproduces itself while modifying itself is inescapably performative; one form of performance by which our society creates, tests, changes, and judges social knowledge is the popular trial.⁸⁶

The processes of criminal justice, therefore, and the accounts that it inspired involved an ongoing construction and revision of narratives. Police, coroners, defence and prosecution lawyers compiled "facts" about cases; these were presented to the judges and juries who formulated their own responses, privileging one account over another, themselves creating new versions. Witnesses could offer competing stories as, indeed, did newspapers in their reporting of proceedings whilst literature, with its own conventions and rhetorical strategies, treated the stories differently again. Not only are there multiple narratives, therefore, but single narratives are multivocal; each voice narrating its own story that defines the event that has taken place. As Muir and Ruggiero remind us:

Legal procedures tend to privilege certain voices over others, but historians need to retain some sense of the multiplicity of voices and avoid slipping into the role of retrospective judges who render verdicts by deciding who is telling the truth.⁸⁷

⁸⁶ Robert Hariman, ed, *Popular Trials: Rhetoric, Mass Media, and the Law*, University of Alabama Press, 1990, p. 28.

⁸⁷ Muir and Ruggiero, eds, *History from Crime*, The John Hopkins University Press, 1994, p. ix. The idea of multi-voice discourse is theorised by Mikhail Bakhtin. His concept of heteroglossia, of the world consisting of a multiplicity of spheres each with its own discourse is particularly useful in the context of analysing the courtroom drama and, indeed, other texts where representatives from different discourses compete for space. For elaborations of Bakhtinian literary theory see, Peter Stallybrass and Allon White, *The Politics and Poetics of Transgression*, Cornell University Press; also Simon Dentith (ed), *Bakhtinian Thought: An Introductory Reader*, Routledge, 1984.

The courtroom was undoubtedly a theatre of authority but the drama involved and represented a range of individuals and interests including judges and jurists and expert witnesses, victims and accusers, but also family members, friends and neighbours whose social roles were all defined, explored and contested.

Crime narratives encompassing a variety of literary and media forms offer rich sources for social and cultural historical analysis. Within this particular study the *Bury and Norwich Post's* reporting of Suffolk Assizes cases in the period 1830-1860 is placed alongside middle-class periodical writing and social commentaries, melodrama, broadsides, graphically illustrated criminal biographies and novels. These sources do not occupy a single geographical location though the sample of Suffolk Assizes cases provides a focal point of reference. Radiating from these cases are various publications and productions, many of which were published in London and destined for a wider audience. Indeed, in the dissemination of sensational crime stories local and national boundaries often became blurred. It has been found, for example, that trials for murder in Suffolk were reported in the *Times* and featured in periodical articles. Similarly, sensational cases heard on other Assizes circuits were regularly summarised in the Suffolk press; they were strategically placed and especially highlighted when the stories were perceived to connect in particular ways with local events.⁸⁸

⁸⁸ A good example of this is the attention given in the *Bury and Norwich Post* to cases of poisoning following the convictions of two local women, Catherine Foster and Emily Cage, for the murder of their husbands in 1847 and 1851. Surrounding the reporting of their trials and executions were references to sensational cases in other counties, usually under the heading of 'More Poisonings', thus suggesting that the female poisoner constituted a widespread threat to society. See chapter 5 for full discussion.

Each of the genres of crime narrative considered in this analysis employed specific rhetorical devices and structures in the ordering of people's experiences; they possessed their own status and social authority and were received by a particular audience. These properties were complicit in the shaping of narrative accounts, and their identification and analysis are crucial to the work of historical interpretation. In *City of Dreadful Delight*, for example, Walkowitz differentiates between 'narratives of the "real"' such as newspaper reporting, and 'narratives of the imagination' such as novels; the former, she argues 'impose a formal coherence on events: they "narrativise" data into a coherent "well-made" tale, converting chaotic experiences into meaningful moral drama'.⁸⁹ Fiction writers of the nineteenth century also declared that their mission was to search out "truths"; they employed, however, the creative imagination in the telling of moral and instructional tales. The juxtapositioning of news reporting and fictional narratives raises, therefore, fundamental questions about the complex interaction between factual and fictional forms, and their respective roles in the construction of individual and social subjectivities.

This study, therefore, seeks to explore the historical effects achieved by an analysis of layers of overlapping and divergent representations of female criminality and victimhood, which circulated in the middle decades of the nineteenth century. Deconstruction of texts and comparison of the different narrative forms comprise the main methodological approach. The value of pursuing historical inquiry on such a micro level has been recently demonstrated in a variety of works in the field of the history of crime; these have influenced the use of my own material by confirming the historical possibilities of such a

⁸⁹ Walkowitz, *City of Dreadful Delight*, p. 83.

method of investigation. Indeed, Martin Wiener has recommended detailed analysis of criminal trials as particularly suited to the genre of micro-history, as they:

Are often extraordinarily rich sources for cultural, social and political history, exposing 'fault lines', providing a fresh arena for political conflict, and both reflecting and generating symbolic representations of victims and criminals for consumption in popular culture.⁹⁰

However, this is not to overlook quantitative and social structures which provide a crucial contextualisation for individual cases; wherever possible I have attempted to identify and locate these in statistical terms.⁹¹

Summary of chapters

The first two chapters take for their subject a single case, the murder of Maria Marten in Polstead in Suffolk in 1828. The Red Barn murder, as it came to be known, not only marks the beginning of the period, it also stimulated intense public, journalistic and literary interest at the time, and continued to grip the imagination throughout the century and beyond. It stimulated the production of a wide range of media and literary narratives, thus providing a rich source for historical investigation. Through these varied and repeated

⁹⁰ Martin J. Wiener, 'The Sad Story of George Hall: adultery, murder and the politics of mercy in mid-Victorian England', *Social History*, Vol. 24, No. 2, May 1999, p. 174.

Further good examples of this approach are: Karen Dubinsky and Franca Iacovetta, 'Murder, Womanly Virtue, and Motherhood: The case of Angelina Napolitano, 1911-1922', *The Canadian History Review*, Vol. LXXII, No. 4, December 1991, pp. 508-531; Christine Bell and Marie Fox, 'Telling Stories of Women Who Kill', *Social and Legal Studies*, Vol. 5 (4), 1996, pp. 471-94.

⁹¹ See for example statistical analysis of Bury Gaol Books as a context for analysis of cases of female murder in Chapter 5.

accounts Maria Marten became an emblem of female victimhood and William Corder a powerful representation of male seduction.

The first chapter explores, in particular, the nature of the different narrative forms which include local press reporting, published sermons, broadsides and graphically illustrated criminal biography. It is argued that their significance as sites in the production of knowledge cannot be adequately explored without an appreciation of the rhetorical devices and structures they employed, the social and commercial contexts in which they were produced and the social authority they enjoyed. Particular themes which dominate the narratives are also identified such as urban and rural values, and ideas about individual character and morality; these suggest contemporary preoccupations and demonstrate how sensational crime stories could constitute ways of seeing and knowing the world.

Chapter 2 focuses in detail on the representations of femininity, masculinity and sexuality in the Red Barn stories. It will be seen that female victimhood was portrayed as passive, defined in terms of vanity, unrealistic social aspirations and naivety. Maria Marten's lack of integrity and moral vulnerability are defined both as the source of her downfall and as endearing feminine qualities. Corder, on the other hand, is a prey to his unbridled passions as he capitulates to base instincts. Melodrama, as a fictional system, dominated the tellings of this story, and its influences and meanings are examined. It will be argued that melodrama could operate at many different levels, from the purely titillating to providing a means of exploring fundamental issues of morality. The image of seduction within melodramatic plots was also constitutive of ideas about class and gender.

Representations of female victimhood continue to be explored in chapters 3 and 4, though the analysis shifts to less notorious, but far more common cases of domestic violence and sexual assault. The reporting of Assizes cases in the *Bury and Norwich Post* depicts women who suffered physical and mental abuse as 'unfortunate' victims of uncharacteristic lapses in male behaviour often associated with excessive drinking. An exchange between middle-class domestic ideals and working-class definitions of masculinity lie at the heart of this representation. It is argued that these gender ideologies were fraught with inner contradictions and ambiguities; that there was, in particular, a growing conflict between the companionate ideal and male privilege. In the representations of the weak and erring husband and his 'unfortunate' victim there is an element of class conciliation as judges, lawyers, relatives, neighbours and journalists negotiated the boundaries of rough and respectable behaviour. Women who made formal complaints spoke their resistance to excessive and intolerable treatment, but their tentative statements also highlight their own dilemma for, however justified, their very actions could be understood as a betrayal of the feminine ideal. In contrast to these newspaper narratives, stories of domestic violence which featured in the *New Newgate Calendar* focused not on strategies to explain and excuse 'unmanly' behaviour, but portrayed disloyal, fickle and unfaithful wives whose sexual deviancy provoked regrettable but highly justified acts of male retribution. It is significant that the violence in these accounts is located outside of the home which has already been violated by female sexual betrayal. Popular fiction favoured, therefore, a more titillating story but highlighted an alternative anxiety by warning of the consequences which could befall when women strayed beyond their domestic environs.



Representations of rape, sexual assault and seduction cases are the subject of chapter 4. It is argued that the media reporting of these crimes highlights their implications for middle-class ideals, and expresses the concern to regulate working-class morality. Reporting of the legal response emphasises ambivalence as male chivalry and embarrassment conflicted with concessions to masculine susceptibilities; the meaning of this experience for women as victims, however, was not prioritised. But the testimonies of women who endured sexual violence can be read for limited agency; in their decisions to bring their cases and in the careful negotiation of cultural restrictions they told their stories using euphemistic and selective language. Nevertheless, they stood to have their sexual reputations and their characters scrutinised; and without empirical evidence supplied by medical "experts" their words were never enough.

In chapter 5 attention turns to representations of women as perpetrators of crime, and the cases of three Suffolk women who were executed for domestic murder by poisoning in the period between 1844 and 1851 provide the focus of analysis. Within the framework of local and national crime trends their cases were statistically exceptional; as exceptionally deviant women, however, their dual transgression of societal and gender norms generated extensive commentary in the newspapers and inspired other journalistic publications including broadsides. Their treatment is located within the context of the 'moral discourse' of the new social science, for the female murderer evoked fears of moral debasement and social degeneration amongst middle-class improvers who employed a language of civilization and savagery in their depictions of women who killed. In particular the female poisoner evoked associations with witch-like powers and supernatural abilities constituting

an extreme threat. In a period of political disturbances both at home and abroad, of economic crisis, and of a new challenge to patriarchal authority with the beginnings of an organised feminist movement, a mid-century panic aroused by the spectre of the poisoning wife signalled a growing unease about the safety of the home and highlighted contradictions inherent within the domestic ideology. Stories of murdering women expressed these anxieties and were deployed to establish and confirm gender norms. For although women's roles as carers and nurterers were defined as "natural", social reinforcement of these ideals was deemed both possible and necessary.

Detailed analysis of the reporting of the three Suffolk cases in the local press also reveals that their deviancy was subtly graded and differentiated. Extenuating circumstances such as extreme poverty or a history of domestic violence might be taken into account and influence the shade of sympathy expressed. Unwillingness to publically confess, however, severely limited the dignity that was afforded to the women in accounts of the scaffold drama. Indeed, the reports of both trials and executions were organic scripts which could be tailored to fit unfolding events. Despite telling variations in the newspaper narratives surrounding the three cases, however, it is only the deaths of the women that eliminates the threat that their crimes represent. Moreover, the voices of the perpetrators are carefully controlled; the reader is invited to identify with their remorse and fate but not with any rational motivation for their deeds.

Chapter 6 continues the theme of murdering women though the focus shifts to their representation in the popular, weekly serial the *New Newgate Calendar* and Thackeray's

novel *Catherine*. These fictional forms contributed to the construction of the cultural identity of female deviancy, and whilst they enjoyed the greater licence of imaginative literature they also claimed "real life" status since the stories were based on sensational crimes of the recent past. Indeed, the original reporting of these cases in the local and national press provided a ready-made narrative framework, emphasising the blurring of fictional and non-fictional lines. These stories offered escapism and imaginative release to an expanding readership; the graphic illustrations that increasingly accompanied them included the wholly and barely literate.

In the criminal biographies of the *New Newgate Calendar* the murderess is represented in stereotypical form; she is a wicked woman, an aberration of nature whose sexual deviancy and violent impulses target passive male victims, innocent objects of unprovoked attack. Women who kill are defined as powerful symbols of deceit and vice operating within the heart of the family and community, thus contributing to an underlying anxiety about the potential for the domestic sphere to be disrupted and invaded by unnatural women. *Catherine*, on the other hand, was intended as a parody of the Newgate fiction; but despite its clear didactic intent that the villains and heroes should be unmistakably identified and either denounced or celebrated Thackeray's treatment of the female murderer is ambiguous, and vice and virtue fail to be distinguished as simple alternatives. With its emphasis on detailed characterisation and an elaboration of social context, the conventions of the novel limited the possibilities for such a crude caricature.

Infanticidal women, unlike women who killed their husbands, were defined not as cunning murderesses but as victims themselves, attention focusing on their disrupted biology, or on their sexual exploitation facilitated by their own moral vulnerabilities. The final chapter explores the ways in which the treatment of this crime in the newspaper reporting of Assizes cases and in George Eliot's *Adam Bede* contrasted with other forms of deviancy, and participated in the shaping of conceptions of femininity and criminality. The reporting of local cases betrays particular issues of poverty for although medical and forensic expertise was privileged in the defining of infanticidal acts, the accounts of the women, so necessary to establishing live birth, can also be read for the meaning they themselves placed on their actions. Despite persistent attempts to define their experiences in restricted terms, the economic and social predicament of infanticidal women as domestic servants or as poor, unmarried mothers marginalised by the New Poor Law system and harsh moral codes, is highlighted in their testimonies. However, the focus on their emotionalism and distress in the reporting of their trials served to portray these women as confused, deranged and devoid of rationality and self-control.

As a novel, however, *Adam Bede* differs from journalism in its aims and strategies, and Eliot employs imaginative identification to explore human experience and motivations. Although she indulges the familiar melodramatic stereotype of the seduction theme, Eliot confronts the social dilemma and emotional trauma of her heroine as she faced the prospect of an illegitimate birth. In her representation of Hetty Sorrell's ordeal, rationality and conflicting emotions coexist and she is allowed a rare voice at the point of her crime, though Eliot's sympathetic identification is short-lived. In both the newspaper reporting

and this fictional representation responsibility is ultimately placed with individual mothers; they are flawed if pitiful women, the victims of a disordered physiology, their own vanity or lack of moral integrity. Harsh economic and social realities are sidestepped in favour of an individualistic analysis that held fewer implications for those in authority.

Chapter One

The Red Barn, theatre of murder: Texts, contexts and themes

All the tale which has been unfolded rushes upon the recollection, and fancy almost portrays the scene as it had been in reality, and perhaps never was a grave bedewed with so many tears of genuine pity as that prepared by the murderer of Maria for the reception of her mangled remains.¹

On August 7, 1828, William Corder, the son of a respectable small farmer, went on trial before the Assizes Court in Bury St. Edmunds charged with the premeditated and wilful murder of Maria Marten, 'the daughter of parents in a humbler situation in life'. According to the evidence of the trial the crime was committed in the Red Barn, the property of Corder's family, in the small Suffolk village of Polstead on May 18, 1827. Maria's body was not discovered until nearly a year later on April 19, 1828, when her father searched the barn for his missing daughter.

At the trial the Marten family described how William Corder and Maria Marten had been involved in a relationship for more than a year before Maria's disappearance; indeed, Corder had been a frequent visitor to the household. The prosecution brief stated that Corder had repeatedly promised to marry Maria and that she had given birth to their child three months before her death. Two months after delivery the baby had died 'in a

¹ J. Curtis, *An Authentic and Faithful History of the Mysterious Murder of Maria Marten* (1828), Thomas Kelly, London, 1834 edn., p. 37.

very mysterious manner' and was buried by the prisoner in Sudbury.² The suggestion of suspicious circumstances surrounding the death of the child, together with evidence that Corder had intercepted and stolen Maria's maintenance money received from the father of her five-year-old illegitimate son, provided the prosecution with a motive for the murder. Unless he agreed to marry Maria, a match that conferred no social advantage, she might threaten to expose him as her seducer, a liar and a thief. Corder, therefore, persuaded Maria to meet him secretly in the Red Barn on the pretext that they were to elope together. Conducting his own defence he argued that Maria Marten's death was the tragic outcome of a quarrel between them during which she 'flew into a passion' and committed suicide. In a state of agitation Corder then decided to conceal her death by burying her body beneath the floor of the barn.

To account for Maria's disappearance, Corder informed her family that she was staying with friends in Great Yarmouth whilst arrangements for their marriage were finalised; these had to be made discretely to avoid the disapproval of his family. In September he left Polstead, ostensibly to marry Maria but in reality, it seems, to advertise for a wife in *The Morning Herald* and *The Sunday Times* from which he received over a hundred replies. Corder married Mary Moore, one of his respondents; they went to live in Brentford where Mary opened a school 'for the reception of young ladies'. In the absence of any news of their daughter, Maria's increasingly concerned family searched the Red Barn which, according to popular account, had featured in Mrs Marten's dreams. On discovery of her body an inquest was held and Corder was arrested in London and brought to trial.

² Bury Record Office, 568/2, *Rex v Corder, Prosecution Brief*, 1828.

Corder was indicted for murder on ten counts, which dealt with every possible means by which he could have killed Maria Marten including shooting her in the face, stabbing her several times and strangling her to make certain of her death. A letter to Moyses Hall Museum in 1943 by the firm of solicitors who currently held the brief, explained: 'These indictments were treated very strictly in the old days, and unless you could prove your facts as being absolutely within the four corners of the indictment, the Defendant was entitled to be acquitted'.³ Despite the detail of the indictment and the close attention paid to forensic evidence at the trial, Corder's guilt was a foregone conclusion. Mr Ketch, executioner from Newgate prison, was sent a retaining fee to book his services arriving in Bury St. Edmunds with a double set of furniture ropes twenty hours before the trial ended.⁴

Corder's trial lasted two days; he was found guilty, sentenced and executed before a crowd of 10,000 people. As legally sanctioned, his body was dissected and anatomised and his skeleton preserved at the West Suffolk Hospital.⁵

The story of Maria Marten's murder and William Corder's trial and execution immediately captured the popular imagination both locally and nationally. Indeed, even weeks before the trial theatrical performances and puppet shows at the annual Cherry Fair in Polstead invited an eager public to watch the spectacle of Maria Marten's death, one such 'exhibition' recreating the scene of the Red Barn in which an effigy of her

³ B.R.O. *Letter from Partridge and Wilson, solicitors, to Moyses's Hall Museum*, April 2, 1943.

⁴ Curtis, *An Authentic and Faithful History*, p. 297.

⁵ William Corder's death mask, scalp, ear, and a copy of Curtis's book bound in Corder's skin are on display at Moyses's Hall Museum, Bury St. Edmunds. His skeleton is on display at the Huterian Museum of the Royal College of Surgeons in London.

mutilated body lay on the floor surrounded by the gazing eye of the coroner and jury. Four weeks after his execution Corder's crime was re-enacted on stage at the Pavilion Theatre in the Mile End Road, London, and extracts from this melodrama were included in a lengthy account of the case published in the same year by the journalist, Curtis.⁶ The play, or versions of it, were staged by provincial theatre companies such as the Theatre Royal, Weymouth (1828), the Theatre Royal, Lincoln (1830) and the Star Theatre, Swansea (1842); it was also pirated by companies and staged in buildings temporarily used as theatres on the outskirts of London. As Malcolm Morley comments:

So began the career of Maria in the occasional playhouses, the fit-ups and the portables. For over a century she was their favourite heroine. Her home might be in a town hall, a corn exchange, a converted barn or a shed with trestles and a few boards.⁷

In addition to the staging of these melodramatic productions, novels, criminal biographies and journalistic articles continued to retell the Red Barn story throughout the century and beyond. Within a short time of the trial supernatural elements such as Ann Marten's dreams, the ghost of Maria and the precipitating interventions of fortune tellers became central to the stories so that myth, moral certainties and "factual" authorisations became firmly interwoven.⁸

The focus of this first section is the representation of women as victims of crime in the mid decades of the nineteenth century. A detailed study of the case of Maria Marten suggests an appropriate starting point, not only because her murder and the trial of

⁶ These extracts correspond with a melodrama that was published anonymously in 1877 and was apparently the only nineteenth-century publication of a stage version of the story.

⁷ Malcolm Morley, foreword to Eric Jones-Evans, *Mr. Crummles Presents: The Red Barn Murder or The Gypsy's Curse, A Dickensian play in a prologue and three acts*, G. F. Wilson & Co. Ltd., 1966, p. x.

⁸ Indeed, the latest dramatisation is a play written and produced by Daniel Allum and entitled *Dead Innocence*. First performed as part of the Bury Festival in 1999 it represents Maria as 'far from innocent' and Corder as a scapegoat for deviant female sexuality and jealousy.

Corder mark the beginning of the period under consideration, but also because the extensive media and literary responses stimulated by it have left a rich deposit of sources. Moreover, the story continued to fascinate; tirelessly repeated it had lasting cultural currency. No doubt the narratives were read differently by the 1850's and 60's; nevertheless, it could be argued that the continued reiterations of Maria's fate gave her an emblematic status for female victimhood throughout the period. In this capacity she commanded a space within the cultural imagination of the nineteenth century.

I aim, therefore, to explore the stories of Maria Marten's murder and its consequences as forms of cultural production, focusing on the themes of morality and character, class and gender, public order and the body. Although much interest has been expressed in "solving" the mysteries surrounding the crime, in uncovering Corder's motives and assessing Maria's character, it is my premise that such a project is problematic and promises only a limited avenue of historical inquiry.⁹ However, although there may be little to be said about the "facts" of this case, the narratives it generated constituted ways of representing what was going on in the world, and it is therefore the discursive construction of meanings around the events which render them historically useful. Maria's portrayal as a woman and a victim, and Corder's as her 'base destroyer' articulate ideas about sexuality, gender roles and identities, class relations and wider societal concerns and preoccupations. Moreover, the wide and sustained circulation of these popular accounts signals a penetrating and enduring social and cultural influence.

⁹ The Red Barn case has inspired numerous accounts of this nature. See, for example, Dorothy Gibbs and Herbert Maltby, *The True Story of Maria Marten*, East Anglian Magazine, 1947; Donald McCormick, *The Red Barn Mystery: Some new evidence on an old murder*, John Long, 1967.

There is, therefore, not one story of the Red Barn but many; a series of texts which are significant for their constitutive meanings. The stories occupied different sites, such as the novel, the newspaper and melodrama, each of which were significant forms of narrative in the production of knowledge having their own structures, contexts and audiences. The emergence, development and defining conventions of the different genres provide distinctive lines, which can be identified with particularities of representation. At the same time this makes any shared elements or preoccupying themes all the more powerful. Depictions of rural and metropolitan life as polarities, for example, pervade all of the Red Barn accounts to a greater or lesser extent. It should also be remembered that these narratives were not always produced or published in isolation from one another. The serialisation of 'The Murder of Maria Marten in the Red Barn at Polstead' in the *New Newgate Calendar* in 1863-64, a cheap, penny publication, begins with a significant extract from the *Times*' reporting of the case in 1828 from which the author no doubt drew inspiration. Similarly, Curtis's comprehensive account combines his own journalism with extracts from a melodrama, published sermons and Corder's matrimonial correspondence. Different forms of narrative were, therefore, often juxtapositioned and integrated within a single production.

The specific texts which provide the focus of this case study are the journalistic accounts of Curtis, a broadside, published sermons, a novel published in 1831 entitled *The Red Barn, a tale founded on fact*, the melodrama published in 1877 and the graphically illustrated *New Newgate Calendar* of 1863-64. The particularities of their forms and representations of the events will be highlighted in the following discussion, though they

were all, to some extent, informed by what Peter Brooks has described as the 'melodramatic imagination'.¹⁰

Melodrama has been defined in broad cultural terms as 'a certain fictional system for making sense of experience'; it describes the characteristics of a specific dramatic genre as well as a more generalised mode of expression. It can be culturally and historically located, developing in post-revolutionary France where it inspired audiences of all social classes. Exported to England melodramatic productions provided entertainment exclusively for the working classes, though its devices and connotations were culturally pervasive.¹¹ At the heart of melodrama lies excess, an extravagance of expression and emotion, 'pure and polar concepts of darkness and light, salvation and damnation'. Characters personify good and evil; their actions and experiences explore larger moral and ethical issues and conflicts. Brooks, therefore, summarises the constituents of melodrama as:

The indulgence of strong emotionalism; moral polarisation and schematisation, extreme states of being, situations, actions; overt villainy, persecution of the good, and the final reward of virtue; inflated and extravagant expression; dark plottings; suspense; breathtaking peripety.¹²

Many of these constituents define the melodramatic production *Maria Marten* or *The Murder in the Red Barn*, published in 1877 but first performed shortly after William

¹⁰ Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama and the Mode of Excess*, Yale University Press, 1976. For further discussions on the meaning of melodrama see, Martha Vicinus, "'Helpless and Unfriended': Nineteenth-Century Domestic Melodrama", *New Literary History* 13, 1981-2, pp. 127-43; Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Virago Press, 1992; Peter Joyce, *Democratic Subjects: The Self and the Social in Nineteenth Century England*, Cambridge University Press, 1994.

¹¹ Peter Brooks, *The Melodramatic Imagination*, p. xii.

¹² Peter Brooks, *The Melodramatic Imagination*, pp. 11-12.

Corder's execution. Within the first few opening lines of the play Corder is identified as villain, his sinister character and violent impulses are pivotal to the play's action. Corder's soliloquies are a form of moral self-identification; as he plans Maria's murder he quickly dispels any qualms committing himself wholeheartedly to the forces of evil:

Am I turned coward, or what is it makes me tremble thus? Have I not heart sufficient for the deed? Or do I falter with remorse of conscience? No, by heaven and hell 'tis false! A moment, and I launch her soul into eternity's wide gulph, The fiends of hell work strong within me. 'Tis done! I'll drown my fears and slake my thirst for vengeance in her blood.¹³

Maria's murder is entirely anticipated by the audience though she herself suspects nothing, her naïve trust deeply ironic. At the very moment that Corder contemplates 'hurling' his victim 'to an early grave', Maria waits for him in the darkness of the Red Barn and completely misconstrues its 'fearful gloom'. As she tries to dispel her overwhelming sense of foreboding she muses on their future happiness together; the audience's foreknowledge creating an excruciating anticipation of events:

A chill is on my heart, and horrible imaginings crowd upon my brain, foreboding terror to my soul. Oh, William, William, to thee I trust for future happiness! In sweet companionship with thee to sail smoothly on down life's rough streams, til death our fond hearts sever. Here will I await his coming - think of the happy days in store for me [...]¹⁴

¹³ Anon., *Maria Marten or The Murder in the Red Barn*, 1877, p. 219. Corder's soliloquies are collapsed and bastardised versions of many of Lady Macbeth's speeches - see I.iii. 127-142; I. V. 40-5; II. I.31-64. Additionally, the dramatist of *Maria Marten* culls the imagery that resounds throughout *Macbeth* and includes 'night', 'blood', 'scorpions' and 'fiends'. Though the dramatist of *Maria Marten* has heavily exploited Shakespeare he has not created quality but crude melodrama. The subtleties and philosophical dilemmas have been eradicated; the original blank verse has disappeared, characterization is one-dimensional and the creative impetus propels the drama towards moral certainty. The dramatist's appropriation is so adulterated that plagiarism, rather than homage, is the probable intent. All reference to Shakespeare's *Macbeth* is from *The Arden Shakespeare Series*, ed. Kenneth Muir, (London and New York: 1951, repr. 1997).

¹⁴ Anon., *Maria Marten*, p. 224.

Clearly, Maria Marten's story possessed all of the ingredients and energies of melodrama; to some extent this accounts for its appeal, both to those who wrote and staged productions, and to their audiences. However, the melodramatic possibilities of the Red Barn story also informed other literary forms and media reporting. Curtis, for example, who covered the case extensively for the *Times* and the *Bury and Norwich Post* represented the barn itself as both a theatre and a shrine, which was visited by over 200,000 people seeking relics and mementoes, many travelling more than 50 miles on their 'pilgrimage'. He describes these sightseers as 'spectators' coming to relive the 'bloody act' in their imaginations. Curtis's description of their expressions and responses as they stand in the 'theatre' of Maria's death recreates them as an empathetic and engaged melodramatic audience. He comments:

It is creditable to the feelings of human nature that whenever the barn has been visited, a silence has reigned among the spectators, as though they had been viewing the receptacles of the dead in a funeral vault, but it was sometimes, yea not unfrequently broken by a sigh or mournful exclamation of 'poor Maria', 'poor thing', 'ill-fated girl'. At other times the thoughts of the murderer gave rise to expressions such as these, 'cold blooded villain', 'cruel wretch'.¹⁵

Moreover, through his portrayal of this scene Curtis invites his readers to share in the experience of the drama. They constitute yet another audience from whom he evokes emotionalism, a moral identification with virtue and a condemnation of vice. On entering the building, he suggests, either literally as a visitor or imaginatively as one of his readers:

All the tale which has been unfolded rushes upon the recollection, and fancy almost portrays the scene as it had been in reality, and perhaps never was a grave dewed with so many tears of genuine

¹⁵ Curtis, *An Authentic History*, p. 56.

**pity as that prepared by the murderer of Maria for the reception
of her mangled remains.¹⁶**

Curtis's reporting illustrates how the language and devices of melodrama permeate the Red Barn narratives striking a connecting chord. If, as Brooks argues, melodrama is essentially not concerned with surface realities but an exploration of underlying moral and social imperatives, questions must be asked about the relationship between Maria Marten's story and the meanings of melodrama. At the same time the distinguishing lines between the genres should not be blurred as these also informed particularities of representation.

Newspaper reporting and journalistic writing provided, along with popular broadsides, some of the first responses to the Red Barn case; they also inspired and formed the basis of literary productions. Although in the early nineteenth century journalism was nearly always anonymous the close similarities in the reports which appeared in the *Bury and Norwich Post* and the *Times* and Curtis's longer *Faithful History* suggest that he was the author of all three. Certainly it was not uncommon for news in the provincial press to be derivative, cut and pasted from the London papers.

A provincial press developed and expanded in England between the mid eighteenth and mid nineteenth centuries with some fifty provincial newspapers in 1782, one hundred and fifty in 1830 and over two hundred and thirty by 1851.¹⁷ The first edition of the *Bury*

¹⁶ Curtis, *An Authentic History*, p. 37.

¹⁷ I. Asquith, 'Structure, Ownership and Control of the Press 1780-1855', in G. Boyce, J. Curran, P. Wingate (eds.), *Newspaper History: from the seventeenth century to the present day*, Constable and Co. Ltd., London 1978, p. 99. For more on the nineteenth-century press see, Laurel Brake, Aled Jones, Lionel Madden (eds.), *Investigating Victorian Journalism*, Macmillan, 1990; Aled Jones, *Powers of the Press: Newspapers, Power and the Public in Nineteenth-Century England*, Scholar Press, 1996.

Post was printed in July 1782 becoming the *Bury and Norwich Post* from 1793 and was, therefore, a well-established provincial newspaper by the late 1820's.¹⁸ Published weekly, its pages were dominated by reports of foreign wars, 'domestic intelligence', Society news, local notices and advertisements. Reporting of local criminal trials and hearings was also a regular feature, providing the newspaper's only significant coverage of matters relating to the working classes. Proprietorship of the *Bury and Norwich Post* remained in the hands of the Gedge family, printers in Bury St. Edmunds from 1793 to 1874; it was described by a subsequent editor as treading a moderate political path, neither wholeheartedly embracing reform nor reaction.¹⁹ Although it carried many second hand articles, editorial influence on the reading public was, nevertheless, exercised. During the reporting of the Red Barn case, for example, the editor's comments, his inclusion of some letters but not others and his decision to place extracts from published sermons alongside Curtis's reports are evidence of this intrusion. Establishing the readership of a provincial newspaper is difficult; however, although it may be assumed to have been predominantly middle-class, increasing levels of literacy amongst the poorer classes at least suggest the possibility of a widening audience.²⁰

¹⁸ *Newsplan. Report of the Newsplan project in the East Midlands, April 1987-July 1988*, The British Library, 1989.

¹⁹ 'The Bury Post 1782-1882, Hundredth Anniversary' *The Bury and Norwich Post and Suffolk Herald*, 1882.

²⁰ Literacy levels are difficult to gauge before 1870. Education was a fragmented and intermittent experience for many, and the data derived from contemporary surveys of schools and scholars is flawed. Some historians have argued that a more accurate picture can be gained from analysis of marriage registers on the basis that those who could write their names could probably also read, given the sequential teaching of these skills. Gillian Sutherland quotes a figure of just over 50% of women and 66% of men able to sign their names by 1840. David Vincent and Victor Neuburg have emphasised self-help, informal education and the growth of popular literature as significant in the trend towards a literate society. Neuburg suggests that a mass reading public was already in existence by the beginning of the nineteenth century and that the increase in the sheer volume of cheap, popular literature in this period is indicative of the expansion of reading abilities. See Gillian Sutherland, 'Education', in F. M. L. Thompson (ed), *The Cambridge Social History of Britain, 1750-1950*, Vol. 3, Cambridge University Press, 1990; Victor E. Neuburg, *Popular Literature: A History and Guide*, Penguin, 1977; David Vincent, *Literacy and Popular Culture: England 1750-1914*, Cambridge University Press, 1989.

Curtis's writing was undoubtedly intended to have a wide social appeal. He was one amongst many reporters who flocked to Polstead to record the history of the murder in the wake of the enormous interest it provoked. Quick off the mark, Curtis arrived fifteen days before the trial to conduct background research and absorb the atmosphere. From his newspaper reports he swiftly progressed to a lengthier 'history', a compilation of summarised trial proceedings, topographical details about Polstead and anecdotal information on the lives of the central characters. Indeed, he promised something for everyone in a tantalising inventory of features:

Herein will be found mythology, necromancy, biography, topography, history, theology, phrenology, anatomy, legal ingenuity, conjugal correspondence, amatory epistles, poetry, theatrical representations, affecting anecdotes & C & C!!²¹

Editors of a 1948 edition of Curtis's book, Jeanne and Norman MacKenzie, introduce him as the 'unctuous and indefatigable Mr Curtis', highlight his 'verbose vocabulary' and refer to the 'excitement and confusion which surrounded his researches in Suffolk' in which his 'disregard for order' did not matter.²² Curtis was certainly under pressure from his publishers, Thomas Kelly of Paternoster Row, London, to deliver fresh instalments, which were eagerly devoured by a hungry public. The MacKenzies, however, describe him as 'a most devout and moral man, whose life was devoted to the investigation and discussion of crime, whose sole aim was the edification and improvement of his fellow citizens'.²³ In this assessment of his motives they appear to have swallowed much of his own propaganda.

²¹ Curtis, *An Authentic History*, p. v.

²² Jeanne and Norman MacKenzie (eds.), *An Authentic and Faithful History of the Mysterious Murder of Maria Marten*, The Pilot Press, London, 1948, p. 220.

²³ J. and N. MacKenzie, *An Authentic and Faithful History*, p. 222.

Whether inspired by genuine moral opprobrium or merely by commercial opportunism, Curtis certainly presented himself as a man with a 'mission' and as an 'historical narrator'. 'Authentic' and 'Faithful' are significant, authoritative words in the title of his book, and the front piece emphasises that the details of the trial were 'taken at large in shorthand'. In this period shorthand was invested with considerable power; it promised the reader access to reality via a scientific recording of the 'facts'. As Anthony Smith has pointed out:

A fully competent shorthand reporter seemed to have acquired an almost supernatural power and shorthand was invested with the same kind of social optimism as the microphone and the TV camera in later times.²⁴

Reporters like Curtis, therefore, prided themselves on observing and recording with precision; their skill offered the illusion of objectivity, and their reporting, it was believed, placed the reader directly in touch with events. Reporters, however, were not free agents; what they recorded and how was directed by their editors and publishers, it was shaped by the cultural framework within which they operated and by their pursuit of commercial success.

It is not known how many copies of Curtis's book were sold or to whom but it was priced at 6d. in an advertisement which appeared in the *Bury and Norwich Post* on August 20, 1828, barely two weeks after the trial. Printed in London it was sold by named booksellers in Bury St. Edmunds, Boxford, Sudbury, Ipswich, Colchester and Chelmsford as well as 'booksellers throughout the Kingdom'.²⁵ Similar works were also

²⁴ A Smith, 'The long road to objectivity and back again; the kinds of truth we get in journalism', in G. Boyce, J. Curran, P. Wingate (eds.), *Newspaper History*, p. 161.

²⁵ *Bury and Norwich Post*, August 20, 1828.

advertised at the same time such as: *Corder's Life: The Life of William Corder, containing a narration of the numerous atrocities committed by him, and other interesting particulars, collected from authentic sources and hitherto unpublished*, priced at 1s. At the same time: *Confession, Execution, Dissection, Interesting letters & C & C* could be purchased for 6d., and a copy of Reverend George Hughes' sermon entitled *Power of Conscience* preached at Bury St. Edmunds on 17 August, 1828, could be bought for 1s. 6d. As a comparison, a copy of the *Bury and Norwich Post* at this time cost 7d. Curtis and his publishers would have been acutely aware of the competitive market in which they operated.

The proliferation of material on the Red Barn case suggests the commercial exploitation of an eager market. For those who could not afford a newspaper or more costly accounts broadsides provided a cheaper and also less demanding alternative for those whose reading skills were rudimentary. Over one million copies of the *Confession and Execution of William Corder, The Murderer* were sold, printed by Catnach in London. Often sung or read aloud, broadsides amused and informed, giving large numbers access to current events and the cultural life around them; according to Martha Vicinus they constituted 'the most natural outlet for literary feeling, protest and public comment'.²⁶ Sensational murders, narrated dramatically in the first person, proved a particularly popular theme, and Vicinus claims that such broadsides were not merely read for titillation but that, 'The melodramatic situations and striking descriptions of penny novels and broadsides provided forms and language for understanding the daily violence of

²⁶ Martha Vicinus, *The Industrial Muse: A Study of Nineteenth Century British Working-Class Literature*, Croom Helm, London, 1974, p. 8.

one's own life'.²⁷ This was a literature, therefore, that connected with the everyday concerns and experiences of those who read it. Gattrell also observes that broadsides could be almost pornographic in their content contributing to a collective excitement at execution events; indeed, 'At some executions the crowd's excitement suggests a perverse celebration as much as a disavowal of the crime, a vicarious participation in the licence which the outrage signified'.²⁸ Clearly, despite its crude content and form, broadside literature was culturally complex.

Newspaper reporting and broadsides were soon supplemented by literary representations of the Red Barn story including melodramas but also novels such as *The Red Barn, A tale founded on fact*, written by Huish and published in 1831. The greater space and scope of the novel form permitted detailed characterisation, study of motivation and the exploration of social conditions and environmental factors. Through imaginative reconstruction Huish's novel seeks to explain how such a tragedy could occur; therefore, the immediate events leading to Maria's death in the Red Barn are not the focus but merely provide the culmination of circumstances and actions. Huish claims in the preface that his work was neither a 'history of individuals' nor 'a mere tale of horror' but rather a 'fiction founded on fact'. Consequently, Maria Marten and William Corder (William Barnard) are surrounded by fictional characters, Huish acknowledging that: 'the actual facts have been studiously disregarded, excepting where they were absolutely necessary to the development of the plot'.²⁹ The core of the novel weaves a fanciful backdrop to

²⁷ M. Vicinus, *The Industrial Muse*, p. 16.

²⁸ Victor Gattrell, *The Hanging Tree: Execution and the English People 1700-1868*, Oxford University Press, 1996, p. 70.

²⁹ R. Huish, *The Red Barn, A tale founded on fact*, John Bennett, London, 1831, p. vi.

the crime in the Red Barn incorporating a London criminal underworld of petty crooks, smugglers and gamblers with elements of sorcery, supernatural revelation and seduction.³⁰ However, whilst exercising fictional license Huish also claimed that his work expounded moral "truths".

Similarly, 'The Murder of Maria Marten in the Red Barn at Polstead', serialised in the 1863-64 edition of the *New Newgate Calendar*, concentrated on the long term events and circumstances leading to Maria's violent end.³¹ These details were not included in the newspaper reporting of the trial as anecdote and imaginative speculation were considered the very antithesis of a "precise" and "scientific" journalism; it focused instead on a "faithful" account of the legal proceedings. Having assimilated the gory accounts of Maria's murder in trial reports literary narratives, however, addressed the readers' desire to know "why?" The Red Barn story enjoyed a protracted retelling; weekly instalments from November, 1863, to February, 1864, in the *New Newgate Calendar* focused chiefly on creative infilling, London vice and criminality again providing the source of moral contamination and supernatural interventions playing a key role in the unfolding drama.

³⁰ Within a short time, for example, the prophetic dreams of Ann Marten became a feature of practically every version of the Red Barn story and a gypsy motif was introduced into the plot. Indeed, gypsies pervaded nineteenth-century fiction; defined as both socially and racially distinct they could symbolise 'social marginality, nomadism, alienation and lawlessness'. As Deborah Epstein Nord claims, 'If English literature of the nineteenth century contains within it a constant, ubiquitous marker of otherness, of non-English or foreignness, it is the gypsy'. Epstein Nord, "'Marks of Race": Gypsy Figures and Eccentric Feminism in Nineteenth-Century Women's Writing', *Victorian Studies*, Winter 1998, Vol. 41, No. 2, p. 189.

³¹ *The New Newgate Calendar*, a penny weekly magazine featuring criminal biographies of sensational eighteenth and early nineteenth-century cases, was originally published in 6 volumes between 1826 and 1828; it was republished throughout the century. The original version contained about 1,000 biographies, presented chronologically from 1700-1826; it was simply illustrated with portraits of some criminals. Later versions selected the most sensational crimes and in the case of the 1863-64 serial embellished the stories with greater detail, although the main elements of the narratives remained essentially the same, even reproducing whole sections word for word. I have chosen this version, which was republished in exactly the same form in 1886, on account of its detail and also the addition of graphic illustration of the crimes, made possible by developments in printing technology.

Graphically illustrated and costing a penny an issue, this literature was clearly part of the response to a growing demand for cheap and sensational reading material. 'Real life' but 'notorious' cases appealed to readers through the fusion of the exceptional with the ordinary; these were shocking stories that detailed horrific events; they were all the more gripping because they could so easily have occurred on one's own doorstep and involved neighbours or acquaintances.

In all of the Red Barn narratives, both literary and media, the rural location of Polstead is ascribed certain values which are implicated in the drama. These are particularly elaborated in the novel and the criminal biography where social and environmental conditions are foregrounded, and London is introduced as a parallel arena of action with an alternative, encroaching and ultimately overpowering set of values. If these accounts of the Red Barn murder are to be viewed as cultural productions it is necessary not only to consider the nature of the texts but also the locations in which the drama was staged. Polstead and, indeed, London were real places, which can be identified and described; they were also ideologically situated.

Fifteen miles from Ipswich, 10 from Sudbury and 20 from Bury St. Edmunds, Polstead in 1828 was a small, remote and picturesque rural village. Nine hundred people lived in Polstead in 1821; 960 by 1831. The main occupation was agricultural labour and the parish consisted of a hall and church set in a deer park of 100 acres with a small, well-spaced settlement on the edge of Polstead Park and some scattered farms. In 1830 there were two cases of arson in Polstead during the disturbances of the Swing Riots and in

1843/44 four incidents of incendiarism further testified to agrarian unrest.³² Whilst it is clearly important not to imagine Polstead as the kind of rural idyll mythologised by nineteenth-century paintings of country life and landscape, Maria Marten's violent death was considered all the more disturbing and shocking on account of its 'tranquil' and obscure rural setting.

Raymond Williams has shown that since classical times the country and the city have always been contrasted, that despite the evolution of both there has been a persistence of images and associations. Peace, nature, innocence, morality and stability have characterised the countryside; progress, achievement, materialism, immorality and change the city.³³ In the specific context of the early nineteenth century, descriptions of rural life defined the anxieties and insecurities promoted by the economic and social transformations of the period. The greatest and most rapid change was occurring in the industrialising towns and cities creating a symbiotic intensification of traditional values invested in the countryside. Nineteenth-century painters of landscape and rural life conjured up an idealised image of spiritual and social harmony in which people lived at one with God and nature. Poverty, exploitation and the harsh material realities of rural life and labour were side-stepped as the pleasures of agricultural work were exaggerated and health, beauty and virtue were imagined to exist in the midst of poverty. The preferred illusion was that people were content and fulfilled in the countryside, their simple rusticity undemanding and non-threatening. In paintings of the period labourers were often represented as specks on a landscape, insignificant ants dwarfed by the

³² Wendy Gault, *A Survey of Suffolk Parish History*, Suffolk County Planning Department, 1990.

³³ Raymond Williams, *The Country and the City*, Chatto and Windus, 1975.

grandeur and power of nature. John Barrell suggests this to be 'a symbol of the complete omission of the interests of the rural labourer', representing a fundamental change in focus. By the mid-nineteenth century the agricultural labourer was no longer 'prototypical', and:

The concern of the rich has shifted to the worker in industry and it is he who seems to carry the burden of England's economic progress, and he who also seems capable of threatening it by indiscipline, idleness or revolution.³⁴

Although declining in economic and political significance, spiritual and moral values were increasingly located in the countryside in the nineteenth century. Polstead, therefore, was depicted as an inappropriate and unexpected setting for such an ugly and violent crime. In his *Authentic History*, Curtis refers to the inhabitants of Polstead as a 'peasantry' who 'eat not the bread of idleness' and who are 'remarkable for cheerfulness and cleanliness'. Social order and harmony are suggested by the well-attended Sunday and day school supported by 'respectable inhabitants of the parish'.³⁵ Marvelling at the wretchedness of William Corder, Curtis remarks that his transgression is all the more extraordinary because 'only seven years had elapsed since he left school, and that short period spent principally in rustic seclusion'.³⁶ Curtis refers also to the disposition of 'the rustic Maria', a child of humble but honest parents; her mother a 'frugal and industrious' housewife who in the running of her household epitomised feminine virtue and rural simplicity. For:

³⁴ John Barrell, *The Dark Side of the Landscape: The Rural Poor in English Painting 1730-1840*, Cambridge University Press, 1980, pp. 32-33. For further discussion of the nineteenth-century rural idyll see also, Christopher Wood, *Paradise Lost: Paintings of English Country Life and Landscape*, Grange Books 1993; Brian Short (ed), *The English Rural Community: Image and Analysis*, Cambridge University Press, 1992; Christiana Payne, *Toil and Plenty: Images of the Agricultural Landscape in England 1780-1850*, Yale University Press, 1993; Christiana Payne, 'Rural Virtues for Urban Consumption: Cottage Scenes in Early-Victorian Painting', *Journal of Victorian Culture*, Vol. 3.1, Spring 1998.

³⁵ Curtis, *An Authentic History*, pp. 50-52.

Not being of an ambitious turn of mind, but contented with the station in which Providence had placed her, she, at the same time, set an example of connubial felicity which rendered her abode "the Cottage of Content".³⁷

An illustration of Maria's home, the 'Cottage of Content', accompanies Curtis's text (see Fig. 1). It is a picturesque cottage with roses trailing around the door and a spacious and neatly hedged garden set in beautiful, rolling countryside. A figure of a woman sits peacefully under a tree in the garden and just beyond the gate passing neighbours converse, dogs dancing at their feet. This idealised scene also complements the theme of rustic virtue, which provides the opening for 'The Murder of Maria Marten' in *The New Newgate Calendar*. 'Climbing roses and honeysuckles', a 'sweet little flower garden' and a well-ordered cottage in which the 'plain but substantial furniture was clean and bright' define the domestic idyll soon to be violated. John Marten, 'industrious in the fields' and his wife, Ann, 'a pattern of frugality indoors', each appropriately occupied in their respective spheres, are honest and upright parents soon to suffer the loss of their daughter in tragic circumstances.

This clichéd and stereotypical image pervades the Red Barn narratives. Polstead is described in Huish's novel as 'a retired and delightful spot, breathing the true freshness of rusticity', whose inhabitants are industrious, have few needs and yet are truly rich. On the table in John and Mary Marten's parlour there is a Bible, a prayer book and an old cookery book, symbols of piety and domesticity. 'The best moral affections', labours Huish, are to be found in the countryside, for the country 'harmonizes the soul and

³⁶ Curtis, *An Authentic History*, p. 68.

³⁷ Curtis, *An Authentic History*, p. 41.

produces a disposition to virtue.’³⁸ However, whilst Curtis could only wonder how darkness might invade this familial and social paradise, the novel provides its own answers. It is the contaminating influence of London ‘profligance, misery and vice’, which infiltrates the lives of Maria and Will Barnard through their association with a gang of London smugglers and confidence tricksters. Barnard is brought to London by Stratford Jackson and ‘Beauty Smith’, petty criminals with whom he had become acquainted on their visit to Polstead Fair where they were criminally engaged in laundering stolen goods. In London he is enticed into gambling and card games so that he might be fleeced in the process. As Barnard awakens in a London room with the realisation that his companions, now gone, had effectively robbed him, he reflects:

So this is life in London! How much better are my own green fields, exercise, health, sweet sleep, innocent amusement, harmless mirth! - Ah, Maria! Would I had never seen London!’³⁹

At the close of the novel following Barnard’s murder of Maria and their child and the discovery of his crimes, the root of this evil, indeed the real villain is presented as the ‘scorching and pestilential breath of London pleasure’, and as a parting shot the author warns:

Such were the consequences of lawless appetite, of vicious society, of unprincipled folly and blasphemous infidelity. Such were the consequences of a young man being ensnared within that fatal circle, “Life in London” - the atmosphere of which is pollution, pestilence and death, where every good feeling grows extinct - where every bad passion, every hateful propensity, is cherished.⁴⁰

³⁸ Huish, *The Red Barn*, pp. 2-3.

³⁹ Huish, *The Red Barn*, p. 146.

⁴⁰ Huish, *The Red Barn*, p. 288.

Representations of country and metropolitan life, therefore, inform the Red Barn stories; indeed, they dominate the literary responses suggesting a causal narrative of naïve and rustic simplicity poisoned and compromised by London vice. Closely allied to these oppositional values of rural and city society is an elaborate discourse of personal morality and character that provides a further common and central thread, journalists and authors proclaiming the particular instructional and didactic credentials of their works.

Curtis presents the promotion of religious and moral principles as the priorities of his writing; his book is advertised as ‘one of the most interesting volumes that can be placed in the hands of young or old, being an authentic detail of the awful consequences that have been produced by an early departure from the course of virtue, piety, and uprightness’.⁴¹ In the preface Curtis defines his writing as performing a moral and public service; it is designed to ‘amend the heart and improve the morals of youth in particular’ and to ‘restrain the evil dispositions of man’ by exciting an abhorrence for crime.⁴² Clearly, Curtis’s *Authentic and Faithful History* with its ‘conjugal correspondence’ and ‘amatory epistles’ was also intended to satisfy less edifying purposes; however, the assertion that ‘an odour of moral sanctity’⁴³ provided a license for titillation and the indulgence of ghoulish and sordid interest fails to take account of the strength, persistence and belief in the didactic message in this period. At the heart of Curtis’s writing, imbued with middle-class self-confidence and self-righteousness, lies the conviction that it could make a difference.

⁴¹ Curtis, *An Authentic History*, p. 2.

⁴² Curtis, *An Authentic History*, p. 25.

⁴³ J. and N. Mackenzie (eds), *An Authentic and Faithful History of the Mysterious Murder of Maria Marten*, The Pilot Press, 1948, p. 227.

Curtis's account as a whole is intended as a cautionary tale; it is a story 'pregnant with instruction of a moral tendency'.⁴⁴ Moreover, he conveys details which demonstrate the many ways in which the fates of Maria Marten and William Corder were used as an example and warning. We are told how a tomb to the memory of Maria Marten was proposed by 'respectable inhabitants of the village to remind present and future generations of her disastrous end'.⁴⁵ Curtis describes how Corder's personal farewells to his fellow prison inmates were considered salutary particularly for the younger offenders.⁴⁶ Furthermore, whilst awaiting execution Corder was exhorted to conduct himself on the scaffold in such a way as to edify those who watched; public order and moral teaching being here finely interwoven. Commenting on the early death from tuberculosis of Thomas Corder, William Corder's brother and the first seducer of Maria, Curtis exclaims: 'what a lesson does the premature death of these young men hold out to the base destroyers of female innocence.'⁴⁷ Similarly, in his preface to the *Red Barn* Huish is at pains to state that 'mere amusement is not the sole end of novel writing', and that the 'one great object of the novelist is to convey lessons of morality'.⁴⁸ Perhaps, unlike Curtis's *Faithful History*, this piece is directed particularly to a London readership, 'for the purpose', as Huish explains, 'of exhibiting the fatal consequences of the loose principles and dissolute habits too frequently contracted by the young and thoughtless in this great metropolis'.⁴⁹ However, his overt and insistent statement that fiction served greater purposes than mere self-indulgence and entertainment, again demonstrates a belief in the possibilities of such an instructional project.

⁴⁴ Curtis, *An Authentic History*, p. 55.

⁴⁵ Curtis, *An Authentic History*, p. 68.

⁴⁶ Curtis, *An Authentic History*, p. 297.

⁴⁷ Curtis, *An Authentic History*, p. 55.

⁴⁸ Huish, *The Red Barn*, preface.

⁴⁹ Huish, *The Red Barn*, p. vi.

Nowhere is the moral warning more directly stated than in the broadside *Confession and Execution of William Corder*, the most widely sold and distributed publication on the Red Barn story. Costing a mere penny, graphically illustrated and simply written, the story of William Corder and Maria Marten was contained on one side of a single sheet and had, therefore, obvious appeal. The broadside features Corder's confession, an account of his execution and verses purported to be from Corder himself spoken from the condemned cell; all emphasise personal guilt and the penalties of sin. In the verses Corder speaks without complaint about his forthcoming execution; he addresses the beginning and the ending of his account to the young men who might replicate his own errors. Significantly, the story is narrated in the first person; it is a statement of self-acknowledged guilt, of repentance as well as a personal appeal that others might learn from his tragic mistakes. He urges:

**Come all you thoughtless young men, a warning take by me
and think upon my unhappy fate to be hanged upon a tree.**

The same message is reiterated in the final stanza:

**Adieu, adieu, my loving friends, my glass is almost run,
On Monday next will be my last, when I am to be hang'd;
So you, young men, who do pass by, with pity look on me,
For murdering Maria Marten, I was hang'd upon the tree.⁵⁰**

Pitiful depictions of Maria's family as they suffered the ordeal of witnessing the presentation of Maria's skull as evidence of her injuries at the trial also emphasise the appalling nature of Corder's crime. Blood and gore may well have had a straightforward commercial appeal satisfying the more prurient interests of the reader, but these details also reinforced the verdict and sentence of the court by highlighting the barbarity and violence of the act. We are told, for example, that:

⁵⁰ B.R.O, Broadside, *Trial and Execution of William Corder*, 1828.

**After the horrible deed was done, she lay weltering in her gore,
Her bleeding, mangled body he buried beneath the Red-barn
floor⁵¹**

Gatrell has shown that this language of repentance, retribution and warning was extremely common in broadside literature acquiring almost formulaic proportions, and that execution broadsides, therefore, delivered an essentially conservative rather than radical message reinforcing rather than challenging the moral judgements of those in authority.⁵² It is, of course, important to ask whose moral condemnation this represented and to thereby consider the issue of the imposition of ideals and values by one group or class upon another. Crude theories of social control often do not stand up to scrutiny; social control demands a coherent class position and effective mechanisms of enforcement as well as adherence to strictly hierarchical notions of power relations. There is no evidence to implicate broadside literature in any class conspiracy though this does not mean to suggest that it held the same meaning for all social groups and classes. Some feared for example that, despite the moral warnings, it valorised the criminal and derived entertainment value from criminal activity. Moreover, whilst acknowledging that 'printers had their own prejudices', Gatrell suggests that customer taste was the most significant, determining factor in the production of this literature, and that purchasers of broadsides, particularly in provincial areas, were as likely to be artisans and farmers as to come from the labouring classes.⁵³ Vicinus claims that broadsides reflected rather than led popular attitudes, answering a need within the poor which went beyond titillation and excitement; it was a 'literature of escapism' which was nevertheless 'rooted in a reader's

⁵¹ B.R.O, *Broadside, Trial and Execution of William Corder*, 1828.

⁵² Gatrell, *The Hanging Tree*, p. 169.

⁵³ Gatrell, *The Hanging Tree*, p. 169.

daily concerns'.⁵⁴ These productions certainly delivered didactic/instructional messages but they cannot be simplistically interpreted as the moulding of working class values and behaviour by their social superiors; 'a packaged commodity relaying false consciousness to an essentially passive and foolish reader.'⁵⁵ Nor should they be seen as merely reflective of popular values and attitudes. These texts were interpreted and used by historically specific subjects with their own social interests and varied class preoccupations. Greater attention needs to be given to audiences as the receivers of cultural productions; the political effects of their reading cannot simply be reduced to the apparent ideological message of the text. Moreover, recent theoretical insights in cultural studies have emphasised the constitutive abilities of language in the production and circulation of meaning. Culture has become defined not as a set of artefacts reflective of ideological positioning but as involved in the creation and exchange of meanings, the 'giving and taking of meaning between members of a society or a group'.⁵⁶

In the reporting and re-tellings of the Red Barn story there exists, however, both a pessimistic anxiety about moral and social decadence and a belief in the possibility of controlling and shaping character which is essentially optimistic. Morality and virtue are vulnerable; youth in particular is fraught with danger; but the pitfalls could be avoided if instruction were heeded. Martin Wiener has argued that in the early decades of the nineteenth century there was an increasing concern and fascination with unregulated and uncontrolled passions; extreme impulses which threatened civilised society. Criminality

⁵⁴ Martha Vicinus, *The Industrial Muse*, p. 16.

⁵⁵ Jean Radford (ed.), *The Progress of Romance: The Politics of Popular Fiction*, Routledge and Kegan Paul, 1986, p. 16.

⁵⁶ Stuart Hall (ed), *Representation: Cultural Representations and Signifying Practices*, Sage Publications, 1997, p. 2. For further theoretical discussion of recent developments in cultural studies see also, L. Grossberg, C. Nelson and Paula A. Treichler (eds.), *Cultural Studies*, Routledge, 1992.

and deviance were seen as symptomatic of moral disease, the ‘eruption of the inner savage’ that lurked within everyone.⁵⁷ Maria Marten’s death, therefore, marks the culmination of a moral decline, which is accumulative, spiralling and inevitable once the initial transgression had taken place. This tragic momentum is emphasised by Curtis who claims that Maria’s downfall can be counted from the very hour of her first seduction, for: ‘The beginning of sin is like the letting out of water[...]’.⁵⁸ Strong links were made between sexual incontinence and crime as further illustrated by an anonymous letter to the *Bury and Norwich Post* on October 10, 1828, which claimed that you could:

Walk into the alleys of Drury-lane and St Giles, Peruse the daily reports of the police-officers; examine the calendars and other records of crime, and you will find innumerable proofs how easy and how habitual is the step from licentious pleasure to the violation of every law.⁵⁹

Socialisation and education could, however, facilitate self-discipline and self-restraint by stressing the long term effects of behaviour and highlighting the dangers of indulging impulse and pursuing instant gratification.

A language of temptation, of sin and of the potential for self-control particularly pervades the sermons published shortly after Corder’s trial. Hyatt, Minister of Ebenezer Chapel in London, delivered his lesson in the open air in sight of the Red Barn in Polstead and again at the Meeting-House in Boxford, two and a half miles away, on the afternoon and evening of August 17, 1828.⁶⁰ As a non-conformist preacher Hyatt’s

⁵⁷ Martin Wiener, *Reconstructing the Criminal: Culture, Law, and Policy in England, 1830-1914*, Cambridge University Press, 1990, p. 22.

⁵⁸ Curtis, *An Authentic History*, p. 33.

⁵⁹ *Bury and Norwich Post*, October 10, 1828.

⁶⁰ Hyatt’s published sermon was one amongst many reported to have been delivered locally and in churches throughout the country. ‘An Address to My Parishioners and Neighbours on the Subject of the Murder Lately Committed at Polstead’ was published around the same time ‘By a Suffolk Clergyman’,

moral lessons were framed within the language and imperatives of early nineteenth century evangelicalism. His discourse was intended to leave a 'lasting impression', to alarm rather than comfort, to shock his audience into confronting the implications of their own sinful lives. Words such as 'degrading', 'brute', 'debasing', 'savage', 'diseased', pepper the text; they speak of the uncivilizing and debilitating effects of immorality eating away at the very heart of society. Hyatt's sermon reaches its crescendo with the warning that:

Sin is running down our streets as a mighty torrent; it must be stopped, or it will sweep away with it all that is valuable in society. The disease is spreading, it must be checked or its influence will be felt in all ranks. The fire is burning, if not extinguished it will destroy all that comes in its way.⁶¹

The 'field of blood' provides Hyatt with a venue, focus and captive audience. 'May the tragic scene committed in yonder barn', he urges, 'be a warning to sabbath-breakers, fornicators, and infidels'.⁶² Poaching, drunkenness, idleness, fecklessness and dependency and the 'abominable' evils associated with fairs inform his general discourse on immorality. He laments the increase in pre-marital sex and the decline in female honour and chastity and the disruption of family life. Hyatt's lesson is not confined to the labouring poor, however; he also warns 'young men of respectable connections and education' against mingling with both the 'profligate rich' and with the 'sabbath-breaking, swearing herd in the alehouse'.⁶³ The Red Barn crime, therefore, is defined as symptomatic of a wider moral malaise, and the congregations who went to hear Hyatt speak and those who read the resulting publication were left in no doubt that they

possibly John Whitmore, the current Rector of Polstead. Curtis also quotes from the sermons of Reverend Young and Reverend Hughes.

⁶¹ C. Hyatt, *The Sinner Detected, A Sermon Preached in the Open Air*, 1828, p. 37.

⁶² Hyatt, *The Sinner Detected*, p. 4.

⁶³ Hyatt, *The Sinner Detected*, p. 28.

themselves were poised on the edge of a moral precipice. As they stood in the shadow of the Red Barn they were also reminded of their own moral proximity to an appalling crime.

In different ways the narrow path of virtue and the slippery slope of sin pervade the Red Barn stories. Even in diminutive form sin could from small beginnings mushroom, envelope and choke, making men 'monsters in iniquity'.⁶⁴ Immorality, however, is also represented as voluntary, as the responsibility of the individual. In his sermon on 'The Power of Conscience' Mr Hughes urges: 'If you are only on the threshold of sin - pause before you move one step further - that step may lead you downwards to perdition'.⁶⁵ Hyatt also expresses the idea that sin and its consequences are avoidable - 'O young men, young women! The temptations of Satan are not irresistible' - delivering a message of self control and personal liability.

If the sermons deliver an uncompromising lesson on immorality and the high price of personal failing, they also accommodate self-regulation. Sin and its consequences are not inevitable outcomes, they represent moral choices. By implication the didactic claims of Huish and Curtis and the voice of warning from the condemned cell in the execution broadside also articulate the possibilities of moral self-determination. However, within the same narratives there are competing ideas of character and morality which privilege

⁶⁴ Reverend Young, quoted in Curtis, *An Authentic History*, p. 58. Young was an Independent minister who preached his sermon in the open air in view of the Red Barn on Sunday, June 22. Curtis reports that the sermon was advertised by handbills and that between 5,000 and 7,000 people attended. He comments that 'never before in all probability did the village of Polstead contain so great a number of human beings at one time'.

⁶⁵ Hughes, *The Power of Conscience*, quoted in Curtis, p8. Hughes was Curate of Horningsheath and preached his sermon at St. Mary's and St. James's Churches in Bury St. Edmunds on August 17, 1828.

biology and a greater degree of pre-determination. William Corder is not simply portrayed in terms of moral lapse, as capitulating to his baser side; his villainy is described by Curtis as deeply ingrained, manifesting itself early in life. Dishonesty, 'low cunning', 'a natural churlish temper' and 'criminal flippancy' leads Curtis to the conclusion that Corder is 'one of the vilest assassins, whose guilt will ever occupy a space in the annals of crime'.⁶⁶ Moreover, his assertion that 'there are some men who appear absolutely to be born hanged',⁶⁷ suggests a growing tension between the idea of control and a more deterministic view of deviancy. In the end, Curtis presents us with Corder, the 'perfidious and sanguinary murderer' of Maria Marten, a man born with a powerful criminal disposition rather than one who merely stumbles from the narrow path of virtue into a moral abyss.

The natural or biological basis of Corder's deviancy was further emphasised by the phrenological investigations, which were carried out after his execution. The "science" of phrenology developed in the early nineteenth century through the work of Dr. Gall in Germany and his pupil Dr. Spurzheim. A phrenological society was established in England in 1820 with Coomb as its president, an initial sceptic who became an ardent advocate.⁶⁸ At the heart of phrenology is the premise that moral tendencies and personality traits are innate, that there is a relation between 'cerebral development and mental manifestation'.⁶⁹ As an article published in 1828 in the *Foreign Quarterly Review* in defence of the new science confidently declared: 'Whosoever studies the heads

⁶⁶ Curtis, *An Authentic History*, pp. 40-49.

⁶⁷ Curtis, *An Authentic History*, p. 41.

⁶⁸ For a detailed discussion of the development of the science of phrenology see, David de Giustino, *Conquest of the Mind: Phrenology and Victorian Social Thought*, Croom Helm, 1984.

⁶⁹ Richard Chenevix, 'Gall and Spurzheim - Phrenology II', *Foreign Quarterly Review*, 1828, p. 41.

of Bacon and of an idiot, must become half a phrenologist'.⁷⁰ By comparing the 'manifestations' of the mind with the development and form of the brain Gall and Spurzheim identified the situation and function of 27 'organs', the visible and tangible signs of which were to be found on the external surface of the head. Organs of benevolence, attachment, memory, religion and 'the love of offspring' could be more or less developed in the individual, as could organs of murder, cunning, pride and vanity.

Drs. Gall and Spurzheim conducted their research and disseminated their theories throughout Europe; indeed, Dr. Spurzheim had addressed a packed audience in London in 1826. It is not clear whether Corder's skull was sent to Spurzheim or whether he worked from his death mask, but his ensuing report presented a phrenological profile of Corder, which confirmed his crime and character as constructed in the reporting of his trial. We are told that:

The organs of the reflective powers are very small; the natural moral character of such a head is formed by animal feelings, deprived of self-esteem, firmness, conscientiousness, and reflection, and very little assisted by benevolence, veneration and ideality - his internal monitor, therefore, is quite wanting. Marvellousness and hope influenced his religious opinions, while the morality of his actions is overlooked.⁷¹

Phrenologists, however, were also keen to defend their science against the charges that it denied free will, defining human character in purely material rather than spiritual terms: 'Weak, finite beings, men are no longer masters of their thoughts and actions, but bow before the mass of matter that composes them, as the reed before the storm.'⁷² Their

⁷⁰ Chevenix, 'Gall and Spurzheim', p. 33.

⁷¹ Curtis, *An Authentic History*, p. 57.

⁷² Chevenix, 'Gall and Spurzheim', p. 34.

arguments centred on an omnipotent and omniscient God; therefore divines and moralists were no less fatalists than they were, and the issue of whether that fatalism was exercised by spirit or matter was secondary. They made a distinction between 'faculty', which belongs to the soul, and organ, which belongs to the body claiming, therefore, that the body remained an instrument of the soul. Moreover, since they had discovered a "Truth" it must be for the benefit of humankind since 'the earth contains no poison, the earth no pestilence which Providence has not at the same time endowed with some principle which mankind will, some day or another, turn to use.'⁷³ In a very pragmatic sense phrenologists also claimed that their expertise would aid the effectiveness of the legal process, for 'men will be convicted of their faults on phrenological evidence, from which no self-love, no flattery, can protect them.'⁷⁴ The ingenuity of this range of justifications for the science of phrenology highlights the concern at this time to marry religious and scientific principles. Curtis's representation of Corder's character as both biologically determined and shaped by individual will appears to fit within this ideological context.

Throughout the reporting of his trial and execution, Corder's physical demeanour and facial features and expressions are also 'read' for revelations of his inner nature, highlighting how physiognomy was becoming a part of common discourse. Like phrenology, nineteenth-century physiognomy was based on the idea of the manifestation of the mind through its physical organisation; the outward form as an indication of its internal character. Both phrenology and physiognomy were closely linked to the developing discipline of anthropology, which reinforced the significance of anatomy as

⁷³ Chevenix, 'Gall and Spurzheim', pp. 36-37.

⁷⁴ Chevenix, 'Gall and Spurzheim', p. 38.

providing the distinctive features of "races". It became a way of finding 'simplified means of organising our perceptions of others' which was absorbed into common expression and everyday terms of reference.⁷⁵ As Mary Cowling has shown physiognomy had a major influence on character definition in Victorian art and literature.⁷⁶ Moreover, because physiognomy in particular involved the interpretation of visible features and expressions, it was a "science" which could be applied at an everyday level.

Having arrived in Polstead to conduct his pre-trial investigations, Curtis sits in his room in the Cock Inn; it is the same room in which Corder had spent his last night before being taken to Bury gaol. Curtis conjures up an image of Corder, which suggests his descent into animalism:

I had heard of his groanings and tossings to and fro and in imagination I heard them re-echoed, and the chain which fastened his murderous arm to the bed-post seemed to clank in my ear.⁷⁷

Moreover, Corder's physical responses to a pre-trial sermon delivered in Bury goal are interpreted as a conflicting mix of remorse and unrepentance, this ambivalence necessary as a confirmation of his guilt and justification of his outcome. Reports of the trial chart Corder's increasing signs of agitation and declining confidence; they are written on his face and in his deportment. With the exhibition of Maria Marten's skull the jury's eyes fix on Corder 'to discover what emotions the latter might betray'. To emphasise the crime that has been committed against Maria's father, we are told 'the crystal drops

⁷⁵ Mary Cowling, *The Artist as Anthropologist: The Representation of Character and Type in Victorian Art*, Cambridge University Press, 1989, p. 31.

⁷⁶ Cowling, *The Artist as Anthropologist*, p. 54.

⁷⁷ Curtis, *An Authentic History*, p. 27.

overran poor Thomas Marten's eyes and rolled down the furrows of his sun-burnt face'.⁷⁸ Corder's reactions and expressions are carefully noted during the summing up and sentencing, and his physical reaction at the delivery of the condemned sermon mirrors his mental and spiritual state. It appears that in 'sobbing loudly' and in the 'writhing of his body and loud groans',⁷⁹ Corder's display of shame and torment is a crucial affirmation that justice had been done.

In the reporting and re-telling of the Red Barn story, therefore, character was constructed in complex ways. It was regarded both as capable of self-regulation and as pre-determined; it was also considered to be transparent and would ultimately show itself in physical manifestations; the inner self would leave its mark on the outer body. Moreover, Curtis, like the sermon writers who warned, 'Be sure your sins will find you out', acknowledged the role of divine intervention in exposing immorality; sin could not be hidden from God.⁸⁰ Commenting on Corder's burial of Maria Marten and his lack of forethought in not making use of quick lime to speed up decomposition, he claims: 'The finger of God was here, and He was determined that the wicked violation of his laws should not go unpunished'.⁸¹ Similarly, the dreams of Maria Marten's stepmother, which were said to lead to the discovery of the murder, were imbued with supernatural meaning, and Curtis later claims that Corder's downfall was the outworking of the 'retributive providence of God'.⁸²

⁷⁸ Curtis, *An Authentic History*, p. 49.

⁷⁹ Curtis, *An Authentic History*, p. 52.

⁸⁰ Hyatt, *The Sinner Detected*, p. 3.

⁸¹ Curtis, *An Authentic History*, p. 50.

⁸² Curtis, *An Authentic History*, p. 55.

The question of atonement and the issue of the spiritual status of the transgressor was also a matter for discussion in the aftermath of Corder's execution. On August 14, 1828, two letters were published in the *Bury and Norwich Post*, which expressed concern that Corder's salvation was too straightforward, that there was, therefore, a danger of the gallows being 'represented as the high road to Heaven!' leading to 'indiscriminate peopling of heaven from the gallows with murderers, fornicators and thieves'.⁸³ These comments were directed at the rituals of the gallows which encouraged the condemned actors to publicly declare their guilt, acknowledge the justice in their fate, entrust their souls to God's mercy and to receive the sacrament.⁸⁴ The writer of the first letter complains:

It is not a charm, it is not a something to be done, whereby old scores may be wiped out, and an easy entrance opened into Heaven[...]and might not this be the very thing which led him to the confident belief that in two hours he should be in Heaven - a belief[...]as dangerous to himself as mischievous to society.⁸⁵

Expressed here is a concern that the effects of punishment as example may be undermined by the language of forgiveness and atonement. It was a view, which was shared by the paper's editor who added his own comments following the reporting of the verdict:

If men are put to death for their crimes to deter others from the practices, how greatly must the influence of the example be diminished when doctrines are employed (we allude to the language of the Judge in passing sentence) which tend to inculcate the belief that the terror of 48 hours and the operation of the hangman will convert the greatest of criminals into a saint; and which encourage the thief, the forger, and the murderer, to

⁸³ *Bury and Norwich Post*, August 14, 1828.

⁸⁴ Corder's words: 'I am guilty - my sentence is just - I deserve my fate - and may God have mercy on me!' were repeated to the crowd by Orridge, the Governor of Bury gaol. Curtis, *An Authentic History*, p. 301.

⁸⁵ *Bury and Norwich Post*, August 14, 1828.

**predict with confidence that in two hours he will be in heaven.
The terrors of the death of such a man ought not to be mitigated.⁸⁶**

Clearly, the scaffold scene with its attendant rituals provoked ambivalent feelings. At the heart of the unease expressed by the newspaper's editor is the fear that the ritual of the state execution might not be successful in delivering an appropriate moral lesson to those who came to watch. Implicit within these anxieties is the belief that individual character and social morality could be shaped by external stimuli.

We have seen how the Red Barn narratives, both media and literary, cannot be read outside of the conventions of the distinctive genres that defined them. Curtis's journalism and the editorial of the *Bury and Norwich Post*, for example, prided itself on hearing, observing and recording with precision. Shorthand expertise was hailed as a guarantee of neutrality, directly connecting the reader with events. Journalistic coverage focused on the "facts" of the trial and Corder's execution, though Curtis's reportage extended to background information on the characters and scene of the crime, "scientifically" gathered through meticulous investigation. As has been demonstrated, despite his claims to objectivity, Curtis's account is no less infused with class and gender ideologies, ideas about religion and science and a particular discourse on rural and metropolitan life. Fictional representations of the murder of Maria Marten, on the other hand, claimed their right to creative and imaginative license and particularly pursued characterisation and issues of causation and motivation. They provided their own solutions, and the embellishment and infilling that came to surround the "facts" of the case are no less instructional particularly in the light of the moral "truths" which, it was

⁸⁶ *Bury and Norwich Post*, August 14, 1828.

claimed, these stories propounded. The Red Barn narratives explore "real" and ideal worlds, they are located within a particular historic and social time frame and constitute ways of describing, defining and understanding the world. The polarisations of melodrama may have presented that world in simplistic ways; this does not make its reading any less complex or ambiguous.

Having gone some way to establishing the nature of the narratives produced in response to the murder of Maria Marten, and having pursued the themes of morality and character, religion and science which permeate them, the work of the following chapter will be to specifically explore ways in which they also articulated ideas about sexuality and gender.

Chapter Two

William Corder: Base destroyer of female innocence

Mark the wretch, who may appear as the gentleman, coming on a visit to some respectable family in your neighbourhood and who prowls through the village like Satan himself, with lustful eye, seeking whom he may ruin.⁸⁷

Morality and character is a central theme running throughout the Red Barn narratives; it is also a discourse, which is heavily gendered. In it sin, in the form of sexual incontinence, is defined as utterly destructive and absolutely integral to the construction of male sexuality as compelling, predatory and aggressive. If Corder himself is represented in terms of victimhood it is as 'the victim of unbridled passions'. Curtis makes a clear connection between male sexuality and violence when he remarks that Corder:

The slave of sinful lusts, drank deeply of the intoxicating draughts of unlawful pleasure, until his intellectual faculties became benumbed, and his conscience seared as with a hot iron - he was rendered capable of any crime - became a murderer of the foulest description[...]⁸⁸

A woman's fall from virtue, on the other hand, was not precipitated by sexual desire but vanity, social and sexual naivety, vulnerability, lack of judgement and false hopes and aspirations. Her failings are passive rather than active, her weaknesses provide the fertile ground, which enable an active and aggressive male sexuality to flourish.

⁸⁷ Hyatt, *A Sinner Detected*, p. 29.

⁸⁸ Curtis, *An Authentic History*, p. 332.

An anonymous letter to the editor of the *Bury and Norwich Post* in September, 1828, denounced the corrupting effects of 'illicit commerce of the sexes', claiming that men are the authors but that it is women who are first of all deceived and depraved as a result of such associations. Furthermore, he calculated that 9/10 of all female suicides are attributable to 'the surrender of honour to illicit passion'.⁸⁹ But although male sexuality is made accountable for moral degradation the writer sees no contradiction in also assigning to men responsibility for female virtue as the guardians of chastity. He announces that:

It must be the duty, not only of the ministers of religion, but of the good of every profession and especially of husbands and fathers, to discountenance, and as far as has in their power, to restrain the general laxity of sentiment which prevails upon the subject.⁹⁰

As the objects of, and in their susceptibility to, this unbridled male sexuality as well as in their need for male protection from it women are constructed as frail and naïve. Indeed, Curtis dichotomises the Red Barn murder as exhibiting 'the ferocity of man' against 'the frailty and fidelity of woman'.⁹¹ It is Corder's 'sinful lusts' which anaesthetise his conscience and render him capable of the foulest crime. The more pitiful victim however is Maria, the object of his 'unbridled passions', for as Mr. Hughes claims in his sermon, 'the guilt of the seducer is tenfold greater than the guilt of the seduced'.⁹²

This idea of seduction informs both the media reporting and literary reworkings of the Red Barn story. It is particularly elaborated in Huish's novel and the *New Newgate Calendar* where fictional license offered the opportunity to indulge a popular theme.

⁸⁹ *Bury and Norwich Post*, September 10, 1828.

⁹⁰ *Bury and Norwich Post*, September 10, 1828.

⁹¹ Curtis, *An Authentic History*, p. 25.

⁹² Hughes, quoted in Curtis, *An Authentic History*, p. 7.

In these accounts aristocratic rakes are introduced into the plot, intrusive and disruptive strangers into the neighbourhood who trap and ensnare a naïve, rustic Maria. In *The Red Barn* Jackson Smith, the first seducer of Maria Marten, is depicted as a ‘hackneyed libertine’ driven by sexual craving, lack of personal restraint and incapable of fidelity. Jackson, we are told, ‘had only regarded her with the eye of appetite; and when that was gratified, there was nothing mental to relieve the monotony of domestication, or to keep up the delusion of the senses’. His character, behaviour and sexual excesses were also defined in terms of a racial ‘other’; his ‘savage love of unbounded freedom’ making him ‘a perfect Bedoin Arab.’⁹³ In 1831 when Huish’s book was published the abolition debates were at their height dominated by a language of cultural racism. The biological use of race in Huish’s description is, perhaps, indicative of the coming shift in ideas about race.⁹⁴

The Red Barn narratives, therefore, confirm the predominant nineteenth-century idea of seduction as initiated by men and rooted in male sexual excess. In 1840 William Tait defined it as ‘the act of corrupting, tempting, or enticing females from a life of chastity, by money or false promises, solely with the intention of gratifying the lust or amorous propensities of the opposite sex.’⁹⁵ This was an interpretation, which echoed down the nineteenth century establishing the myth of the prostitute as the bedraggled butterfly in the gutter. In addition to denying the harsh economic imperatives which working class

⁹³ Huish, *The Red Barn*, p. 81-82.

⁹⁴ For a detailed discussion of the shift from ‘cultural racism’ to a more aggressive, biologically determined definition of race, which developed in the decades following the abolition of slavery in 1834, see Catherine Hall, *White, Male and Middle Class: Explorations in Feminism and History*, Polity Press, 1992.

⁹⁵ William Tait, 1840, cited in Lynda Nead, ‘Seduction, Prostitution, Suicide: *On the Brink* by Alfred Elmore’, *Art History*, Vol. 5, No. 3, September 3, 1982, p. 309.

women faced it denied women sexual impulses and initiatives, and attributed their initial 'fall' to exposure to predatory male sexuality usually encountered outside of the sanctuary of the home. As Lynda Nead explains:

Since women were believed to be devoid of sexual passion the move to prostitution had to be an involuntary one; furthermore, because of the sexual passivity of the female, seduction was solely considered a male act.⁹⁶

Moreover, it was generally agreed that seducers came from the wealthy middle and upper classes.

William Corder was Maria Marten's social superior but as the son of a small Suffolk farmer he hardly fitted the stereotype of the aristocratic libertine, precisely why the literary versions of the story invented new characters that were better qualified for the role. Maria, the daughter of a mole catcher, belonged to the labouring classes though by the time of her involvement with Corder she was certainly not sexually innocent. A relationship with William's brother, Thomas, when she was 18 led to the birth of her first child who died shortly after birth. Curtis chants the seduction cliché of how 'the heretofore happy and innocent Maria listened to the persuasions of the base destroyer and became a victim to his cupidity'. On becoming pregnant Maria 'was left to bewail her own imprudence and to reflect on the broken vows of her lover'.⁹⁷ A second relationship with 'a gentleman of great respectability' produced another child, still living at the time of Maria's death, and supported financially by the father.⁹⁸ Curtis comments that Maria 'appears not to have learnt wisdom in the school of experience and affliction',

⁹⁶ Nead, 'Seduction, Prostitution, Suicide', p. 311.

⁹⁷ Curtis, *An Authentic History*, p. 43.

⁹⁸ Curtis withheld the name of this second lover in his account because he considered that he had treated Maria honourably.

but her demise is framed within a language of naivety and moral susceptibility rather than sexual deviancy. Maria is largely exonerated from blame because she is defined as child-like, trusting, simple and lacking in worldly wisdom. She is not held morally accountable because she does not possess moral integrity and judgement. She is fragile and weak and, although her conduct cannot be condoned, her motivation is not corrupt and her culpability is carefully measured against the deliberate exploitation of her vulnerability. Curtis describes Maria as 'neither profligate nor abandoned'; her ruin is in some senses the result of her virtues, for, 'she was inflexibly honest in her conduct towards those upon whose protection and promises she relied'.⁹⁹ In the end Maria's fragility and weakness are represented as positive feminine qualities. When Curtis melodramatically exclaims: 'the spoliator came and nipped the tender blooming hyacinth',¹⁰⁰ he celebrates these weaknesses and suggests that they are beautiful. Significantly also, Curtis refers to 'the fatal day when she [Maria] left her father's house, her child and her kindred, to become the victim of a cold-blooded and deliberate assassin'.¹⁰¹ Maria's fate was sealed when she removed herself from patriarchal protection to meet Corder in the Red Barn.

Alongside naiveté and inexperience Maria's downfall is attributed to infatuation and a "natural" female vanity; this is a representation uniformly adopted across all of the narratives. The sermons, for example, highlight a strong causal connection between Maria's 'addiction to the love of dress, and to lightness of behaviour', and 'her sad calamity'. The author of the sermon, 'An Address to My Parishioners and Neighbours', goes on to describe Maria's resulting moral blindness:

⁹⁹ Curtis, *An Authentic History*, pp. 48-49.

¹⁰⁰ Curtis, *An Authentic History*, p. 27.

¹⁰¹ Curtis, *An Authentic History*, p. 29.

The desire of being distinguished, and of being admired - or the thoughtless gaiety of heart[...]hid from her view everything but her present indulgence, and prevented her from seeing the danger which was immediately before her.¹⁰²

Hyatt, preaching on the Sunday after Corder's execution in view of the Red Barn, directly addressed his female audience when he:

Trusted that the fate of Maria Marten would deter other females from a predilection for dress beyond their station - a propensity which too often led them to make a sacrifice of virtue in order to obtain it.¹⁰³

The dangers inherent in this female "characteristic" are elaborated further in Huish's novel, *The Red Barn*. Again Maria is portrayed as good-hearted but simple and gullible. Particularly prone to flattery she is seduced by the prospect of romance and fine clothes, her shallowness highlighted by the ease with which she forsakes her better principles. Referring to her first seduction by Stafford Jackson, the son of a 'gentleman of small fortune', Huish comments:

Her virtuous firmness, her moral principles, her filial piety - all gave way to the ardent and persuasive eloquence of her seducer - vanished, like the dew of night, before the rising beam of morning.¹⁰⁴

Maria is portrayed as fickle and volatile and as representative of her sex. She is:

The creature of present impulses varying like the chameleon, and uncertain as the idle wind! - of too soft materials to carry the stern impress of principle, or preserve for a moment underfaced the broad, distinctive characters of rectitude[...]She is caught, like the mackerel, with some gaudy bait, and led by the ignis fatuous of vanity into the swamps of destruction and despair.¹⁰⁵

¹⁰² Anon., *An Address to My Parishioners and Neighbours on the Subject of the Murder Lately Committed At Polstead in Suffolk*, 1828.

¹⁰³ Curtis, *An Authentic History*, p. 42.

¹⁰⁴ Huish, *The Red Barn*, p. 332.

¹⁰⁵ Huish, *The Red Barn*, p. 332.

Once Jackson had tired of Maria and she at last could perceive the moral consequences of her flippant preoccupations, she turned to religion for consolation though was not able to sustain rational thought and consistent reasoning, for, 'she had not an understanding competent to the discussions of its truths'.¹⁰⁶

Both Curtis and Huish represent the seduced woman as irretrievably damaged. Curtis describes the loss of female chastity as the loss of a woman's greatest asset - 'that inestimable pearl - the richest treasure which woman can possess'.¹⁰⁷ Huish suggests that even if the seducer does not desert his victim she has lost not only her chastity but also the value of her virtue, literally leaving her bankrupt as a woman. In view of this 'a slight temptation is often sufficient to render her faithless, even to her generous seducer'. In 99 out of 100 cases, Huish contends, the seducer does desert leaving a 'long train of misery and vice' for these women, and their inevitable demise.¹⁰⁸ Although the man who seduces is defined as primarily responsible, his actions deliberate and rational, the seduced woman cannot be rescued. In the end Maria Marten is punished for her social and sexual aspirations and, as Beth Kalikoff argues, her death 'eliminates the dangerous enigma of female sexuality'.¹⁰⁹

Year after year, in the various re-tellings of her story, Maria was portrayed as something she was not; her victimhood redefined and relayed within the particular semantic system of melodrama. The barn itself became a theatre in which 'the pretended lover became a

¹⁰⁶ Huish, *The Red Barn*, p. 222.

¹⁰⁷ Curtis, *An Authentic History*, p. 33.

¹⁰⁸ Huish, *The Red Barn*, p. 209.

¹⁰⁹ Beth Kalikoff, *Murder and Moral Decay in Victorian Popular Literature*, UMI Research Press, 1986, p. 19.

murderer; and in a fatal moment, basely cut the thread of existence of his deluded victim'.¹¹⁰ Crucial questions remain, however, about the underlying meanings which this narrative expressed. Eric Bentley has described melodrama as 'the poor man's catharsis', providing a sense of release for its readers and audiences.¹¹¹ Within this reading Maria Marten's seduction and murder represent a symbolic rape of innocence followed by just retribution evoking an intense emotionalism. William Morse asks whether it 'primarily provides escapist controls that support and solidify the political status quo,' thereby serving a reactionary function.¹¹² It must be remembered, however, that melodramatic productions and popular literature which drew heavily on melodramatic conventions were often viewed as dangerous and distasteful by the middle classes, debasing rather than uplifting.¹¹³ Ironically, although melodrama itself was defined as vulgar its dynamics were widely appropriated at all cultural levels. It cannot, therefore, be dismissed merely as an instrument of social and political control, a mechanism for imposing false consciousness on an unsuspecting and uncritical audience.

Peter Brook's analysis has focused on the underlying drama suggesting that beneath the surface realities melodrama is concerned with the exploration of 'moral consciousness,' of a 'moral occult', an 'emphatic articulation of simple truths and relationships'.¹¹⁴ His argument is rooted in the specificity of the historical moment in which melodrama

¹¹⁰ Curtis, *An Authentic History*, p. xv.

¹¹¹ E. Bentley, quoted in W. R. Morse, *Melodrama*, Cambridge University Press, 1991, p. 17.

¹¹² Morse, *Melodrama*, p. 18.

¹¹³ For example, in its review of productions performed at the Theatre Royal in Bury St. Edmunds the *Bury and Norwich Post* on November 5, 1828, expressed its disapproval of the number of 'Melo-Dramas' that had been staged in the early part of the season, referring to them as 'this heterogeneous species of dramatic presentation', and refusing to consider them as worthy of literary comment. I have not been able to find any record of a production of the Red Barn performed in Bury St. Edmunds.

¹¹⁴ Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama and the Mode of Excess*, Yale University Press, 1976, pp. 1-14.

developed, in a 'post-sacred era' following the Enlightenment and the French Revolution. These events raised questions about 'traditional imperatives of truth and ethics' undermining the monolithic positions of church and monarchy. In this philosophical context individual morality, personality and ego assume increasing importance and good and evil are explored in personalised forms and locations. Brooks argues, therefore, that:

Melodrama represents both the urge towards resacrilization and the impossibility of conceiving sacrilization other than in personal terms. Melodramatic good and evil are highly personalised: they are assigned to, they inhabit persons who indeed have no psychological complexity but who are strongly characterised.¹¹⁵

This reading would suggest that, to some extent, William Corder and Maria Marten became vessels for an alternative drama involving forces of good and evil. It certainly goes some way to explaining how their story might have been adopted and adapted as a means of exploring fundamental human issues concerning moral conflict and dilemma.

Anna Clark and Martha Vicinus have also linked early nineteenth century melodrama to the trauma and dislocation of the Industrial Revolution, Clark defining it as a 'defiant metaphor of the exploitation of the poor by the upper classes'.¹¹⁶ Vicinus claims that the 'helpless and unbefriended' heroine symbolised the feelings of the working class whose traditional values were under threat.¹¹⁷ In the Red Barn narratives the violation of simple cottage virtues and traditional morality is an undeniable element; it suggests the articulation of anxieties relating to social crisis. In the late 1820's declining paternalism,

¹¹⁵ Brooks, *The Melodramatic Imagination*, p. 16.

¹¹⁶ Anna Clark, 'The Politics of Seduction in English Popular Culture 1748-1848' in Radford (ed.), *The Progress of Romance*, p. 47.

¹¹⁷ Vicinus, "'Helpless and Unfriended'", pp. 127-43.

increased wage dependency, the destruction of the family economy and the capitalisation of agriculture contributed to these social anxieties. It has also been observed that traditional customs surrounding common-law marriage and premarital pregnancy were more difficult to sustain in the changing economic environment, whilst at the same time female chastity was becoming an increasingly important qualification for respectable status.¹¹⁸ Clark suggests that fathers could still maintain the ideal of chastity by blaming family crisis on a predatory aristocracy, and points out that essentially the seduced woman was a 'cipher in conflicts between men' rather than a 'heroine struggling for control over her own destiny'.¹¹⁹

Melodrama embodied myth and symbolic meaning; it could also in significant ways distort or even falsify reality. In the 1820's of the Red Barn case women faced much greater danger of sexual exploitation from their own class, yet in Huish's novel the only man who respects Maria's chastity and acts in her interests is Harry Everton, the son of a small tenant farmer and her social equal.¹²⁰ Clearly, also, class exploitation in this period was economic and political rather than sexual in nature. However, as Clark points out the image of seduction within melodramatic plots 'imbued fiction with a political content linking the reader to larger struggles, and inspired the public rhetoric of class struggle with personal, emotional images of oppression'.¹²¹

¹¹⁸ For detailed analysis of the impact of the social and economic conditions of this period on working-class culture see, John Gillis, *For Better, For Worse: British Marriages, 1600 to the Present*, Oxford University Press, 1985; Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class*, University of California Press, 1995.

¹¹⁹ Clark, in *The Progress of Romance*, p. 49.

¹²⁰ See chapters 3 and 4 of this thesis which explore cases of violence committed against women. The majority of cases involved assaults by male family members on their wives, mothers or daughters.

¹²¹ Clark, in *The Progress of Romance*, p. 48.

In their respective ways Brooks, Clark and Vicinus locate the melodramatic form within the changing ideological, economic and social world of the early nineteenth century, arguing that it represented more than a cheap and hollow literature for the pacification and entertainment of the poor. This does not necessarily signify, however, that within the *Red Barn* narratives the theme of seduction and sexual exploitation is merely being appropriated as a metaphor for class anxieties and frustrations or to explore a moral universe. The narratives also convey and construct ideas about gender, for example about male sexuality and feminine ideals, and these ideas and ideals intersect with notions of class identity and relations.

We have seen how Maria's fragility and inexperience, though regarded as significant factors in her demise, were also defined as entirely appropriate feminine attributes. Her weakness, her vanity and her dependence on male protection are similarly regarded as part and parcel of her womanhood. As the seduced heroine Maria epitomises the vulnerability of women; she is 'a truly unfortunate woman', and although it is fitting to disapprove of Maria's actions her instincts are represented as entirely natural. In his novel, *The Red Barn*, Huish claims:

There is, in almost every female breast, an imperious necessity of loving, which must be obeyed. It is the dominant feeling of her mind, and the whole business of her life[...]woman has nothing but love; and in that one word is written the entire history of her life.¹²²

It is hardly surprising, therefore, that she must also lack moral integrity and discernment, as even her mind is governed by feeling rather than by rational thought.

¹²² Huish, *The Red Barn*, p. 222.

In Curtis's reporting of the Red Barn story femininity is also defined in the depiction of Mary Corder. Her response to William Corder's matrimonial advertisement is condemned as disreputable and morally reckless, and her pregnant widowed state together with an inevitable loss of class and status are presented by Curtis as the penalties of such an unwise enterprise. Indeed, Curtis includes the matrimonial correspondence in his *Faithful History* as a moral warning, and in his 'Hints to the Ladies' emphasises the need for women to choose their husbands carefully and with a full knowledge of their moral and religious pedigree. In particular, they should 'never give way to a sudden gust of passion and dignify it by the name of love'.¹²³ A letter to the editor published in the *Bury and Norwich Post* on August 27, 1828, similarly locates the 'deplorable misfortunes' of the 'unhappy widow' in her impropriety. At the same time, however, Mary Corder is considered deserving of the sympathy and charity of Christian women, and the letter is accompanied by a sovereign together with the judgement: 'The bitterest of mental sufferings have been, and must still be her lot; let not English, much less Christian women, refuse their assistance in this her hour of bodily extremity.'¹²⁴

Moreover, whatever the circumstances in which she became Corder's wife and however regrettable, Mary Corder was expected to fulfil her wifely duties, and in Curtis's account she plays a major role in salvaging his battered spiritual conscience. Mary Corder, like Maria, is described as 'infatuated and misguided'; equally unable to judge character she was taken in by Corder who was then 'caressed and idolised by his unsuspecting wife'.¹²⁵ Curtis claims that Mary 'had remained with constancy in the town' during the trial and

¹²³ Curtis, *An Authentic History*, p. 403.

¹²⁴ *Bury and Norwich Post*, August 27, 1828.

¹²⁵ Curtis, *An Authentic History*, p. 93.

Corder's confinement; she anticipated his acquittal and was genuinely shocked and devastated by the guilty verdict. A belief in her husband and her loyalty and respect are demanded despite his duplicity and crimes. Like Maria, Mary's naiveté and lack of worldly knowledge are essentially depicted as positive qualities, reinforcing patriarchal notions of an inferior and susceptible female "nature".

Mary Corder is left 'a care-worn widow', and there is a sense in which she also is portrayed as a victim. However, before William Corder's execution she becomes his spiritual trainer in prison, exhorting him to prayer and repentance, providing him with devotional reading. Curtis describes how Mary Corder's letters to her condemned husband 'breathe the language of a loving wife, a kind and unwearied friend and a Christian monitress', and her last farewell reiterated 'that her only desire on earth was to live to witness that although he had lived a great sinner, he died a sincere penitent'.¹²⁶ It is as if the performance of this spiritual rite acts as a form of redemption; it is an essential part of a woman's mission and compensates for her 'natural' weakness, impulsiveness and lack of judgement.

Both Mary Corder and Maria Marten are represented as women who fail, but as seduced heroines they are exploited and deluded, and their female moral character may be compromised but it is not entirely discredited. In Huish's novel, however, an altogether deviant construction of femininity is defined in the character of Hannah Woods, a fake fortune-teller who is instrumental in Maria's ruin. Described as 'an agent in the seduction of Maria' it is Hannah who flatters her and appeals to her vanity, goading her

¹²⁶ Curtis, *An Authentic History*, p. 332.

to a tragic end. She is also the seducer of William Barnard (Corder) who 'drank deep draughts of the delicious poison' and became contaminated by her influence.¹²⁷ Unlike Curtis's representations of Maria Marten and Mary Corder, Hannah Woods is described as 'utterly incapable of the sentiment of love'. Moreover, Hannah's deviancy is linked to racial otherness; her Jamaican mother is described as being of 'African descent [...] being two removes from the black, or one shade lighter than the Mulatto'. Hannah's "race" in Huish's novel serves to dehumanise and uncivilise her; we are told that, 'She inherited the tropical constitution of her mother, and that large portion of the animal which invariably accompanies the slightest infusion of Ethiopian blood'.¹²⁸ Moreover, her "race" defines her illicit sexual activity.

Sander Gilman has traced a developing association between black women and a pathologically defined female sexuality from the late eighteenth century onwards. He has noted how in the art of the period the figure of a black servant marked the presence of deviant sexual practice, the black female in particular associated with primitivism and, therefore, exhibiting an animal sexuality.¹²⁹ Late eighteenth and early nineteenth century empiricists sought to establish a scientific basis for an existing assumption and came to fix this paradigm in observable physical differences. In particular the supposed sexual lasciviousness of black females came to be rooted in the unique structure of the Hottentot female's genitalia and in her physiology and physiognomy more generally. Gilman outlines the circularity of this argument:

¹²⁷ Huish, *The Red Barn*, p. 188.

¹²⁸ Huish, *The Red Barn*, p. 386.

¹²⁹ Sander L. Gilman, *Difference and Pathology: Stereotypes of Sexuality, Race and Madness*, Cornell University Press, 1985, p. 79.

The black female looks different. Her physiognomy, her skin color, the form of her genitalia mark her as inherently different. The nineteenth century perceived the black female as possessing not only a 'primitive' sexual appetite, but also the external signs of this temperament, 'primitive genitalia'.¹³⁰

By the mid nineteenth century the dominant view was that the anomalies of the genitalia of the black female and hence her sexuality, was an inherent, biological variation. Moreover, a parallel discourse surrounding the prostitute became interlinked with this racial stereotype. In the nineteenth century the prostitute embodied 'the essentially sexualised female' and was increasingly defined in physiognomic and physiological terms. Her facial features were defined as typically atavistic and associated with criminal degeneracy, her diseased genitalia a throwback to the Hottentot. Lombroso's late-nineteenth century study of *The Female Offender* fully articulated this analogy between the prostitute and the black woman, though Gilman claims that this view had become established in medical, scientific and anthropological discourse by the 1870's.¹³¹

In Huish's novel, published in 1831, Hannah combines the stereotype of black female sexuality with the stereotype of the prostitute suggesting that this association was already informing popular discourse earlier in the century. For, it is as a prostitute in London that Hannah becomes involved with a group of crooks and confidence tricksters who poison the lives of the simple rustics of Polstead; she is represented as an embodiment of this metropolitan pestilence. Once William Barnard is contaminated by her there is no going back and 'the taste of this wretched young man for profligate expense and sensual gratification became natured into an habitual, ruling, irresistible

¹³⁰ Gilman, *Difference and Pathology*, p. 85.

¹³¹ Gilman, *Difference and Pathology*, p. 98.

passion'. Hannah's uncivilizing effect on Barnard is enduring; she is ultimately responsible for the tragedy which follows, for:

When a man once abandons himself to an indiscriminate intercourse with vicious women, he loses every shadow of the sentiments which he ought to entertain for the sex, - is degraded in his gratifications below the instinct of many brutes, - forfeits his own self-respect, and all his claims even to toleration, as a member of civilised society.¹³²

It is Hannah, significantly, who persuades Barnard to advertise for a wife in order to improve his fortunes and to dispose of Maria in the Red Barn leaving him free to execute his plan.

The sinister figure of Hannah in the Huish novel overshadows the unfolding of the entire plot; her deviancy exceeds even the acts of seduction and murder committed by William Barnard. In Curtis's account of the Red Barn murder there is no explicit reference to any such character though in his sketch of William Corder's earlier life and background he alludes to an association with prostitutes. Curtis refers to Corder's boasting of sexual conquests and describes how he 'squandered proceeds among females with whom he became acquainted'.¹³³ In this connection Curtis also speaks of the 'mansion of Sinful pleasure', feminising this 'sinful pleasure' by further remarking that 'Her house is the avenue of death and the vestibule of hell'. Hyatt's sermon, which he boasted was informed by personal and local knowledge, traces the origins of Corder's crime more specifically to an improper relationship with a 'poor girl' whom he names only as 'H' and who subsequently left the village to become 'a polished prostitute' in London. According to this particular account Corder met Hannah again in 1825 at Polstead Fair;

¹³² Huish, *The Red Barn*, p. 216.

¹³³ Curtis, *An Authentic History*, p. 41.

'her showy appearance and insinuating manner completely ensnared him, and she 'mastered and enslaved his passions. Inevitably and appropriately, within a few weeks of her return to London 'H' 'died in a most awful and miserable way.'¹³⁴

Ideas about gender clearly inform the Red Barn narratives in complex ways; ideals of femininity demonstrated, for example, by Mary Corder's loyalty and spiritual strength coexist with an ambivalent representation of feminine weakness which is epitomised in the portrayal of Maria Marten. The most threatening and extreme form of female deviancy belongs to the prostitute, however, who ensnares, contaminates and uncivilizes. If Maria is the victim of Corder's moral degeneracy, Corder's ruin originates in his fatal association with a sexually deviant woman.

These stories, therefore, inspired by the Red Barn case and told in melodramatic form, cannot be dismissed as crude and empty expressions of low culture. In them the represented world was often used metaphorically to explore large questions about morality, life and death; they were also imbued and inlaid with class anxieties and gender ideals. Their crudity makes them no less complex. However, this is not to say that cheap titillation and escapism was not also a part of their function. Indeed, the enduring popularity of melodrama may well lie in its versatility, its ability to operate on many different levels. The graphic illustrations accompanying the narrative in the *New Newgate Calendar*, for example, can be seen to accommodate many of the themes, both underlying and more overt already discussed, but they were also intended to satisfy a gratuitous thirst for sex and violence.

¹³⁴ Hyatt, *The Sinner Detected*, pp. 20-24.

THE NEW
NEWGATE CALENDAR,

CONTAINING THE
REMARKABLE LIVES AND TRIALS OF NOTORIOUS CRIMINALS, PAST AND PRESENT.

No. 5.—Vol. I.]

SATURDAY, NOVEMBER 21, 1868.

[ONE PENNY.]



THE SPY.—KATE AUDSLEY TELLS MARIA'S FORTUNE.

Figure 2
'The spy - Kate Audsley - tells Maria's fortune'

The first instalment of this serialised account was accompanied by an illustration depicting Maria Marten's meeting with Kate Audsley, a fortune teller whose predictions form part of an elaborate scheme by Walter Singleton to entrap an unsuspecting and gullible Maria (see Fig. 2). A servant of Singleton witnesses the scene to ensure that the plan is faithfully executed. Walter Singleton, a corrupt and impoverished aristocratic libertine, provides a metaphor for the seductive qualities of the metropolitan underworld; he is the base destroyer of rural innocence. The safety of the domestic sphere from which Maria has become separated can be seen in the background, a reminder of her present vulnerability. She now inhabits a moral wilderness, her hands trusting, her face illuminated and displaying an openness. Kate Audsley and Singleton's messenger form a pincer movement of evil, their hands signalling to each other. Audsley is witch-like and Singleton's servant's face cadaverous. In essence this image portrays the rape of innocence; it would have had a particular, crude, sexual appeal.

The second illustration pre-empted much of the narrative and features the supernatural visions of Maria's stepmother in which she dreams of her daughter's murder (see Fig. 3). This image, produced out of sequence, was probably designed to capture and maintain the interest of the reader in the story. Maria's murder is depicted in highly sexualised terms. She is being crushed by Corder, forced to submit to his power, but it is the power of male sexuality rather than merely physical strength which is being portrayed. As Beth Kalikoff has highlighted, in much melodramatic literature of this period 'the murderous and lustful impulses of villains are mixed'.¹³⁵ The image eroticises murder and is clearly intended to be thrilling and arousing. Maria's mother, receiving the spiritual message, is

¹³⁵ Kalikoff, *Murder and Moral Decay*, p. 29.

THE NEW
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[1.—Vol. I.] SATURDAY, DECEMBER 5, 1853. [ONE PENNY.]



Figure 3
'The extraordinary dream of Maria Marten's mother'

placed in the foreground; her tortured and ghostly expression humanises and sentimentalises the event. The murderous act is killing her spiritually and Maria's death is written on her face. A further depiction of Maria's murder is repeated later in the serialisation where her shooting is depicted at close range (see Fig. 4). Again the image is essentially one of domination and submission; Corder's stance is strong and sexually aggressive as Maria buckles under his violent assault. Her raised arm delineates her breasts, and the shape of her thighs and pudendum are emphasised through her trousers, in themselves a rare and exotic dress for a woman. There can be no doubting the suggestiveness of this image and its crude eroticisation of violence, whatever underlying meanings it may have held. In its various forms the representations and re-tellings of this story, therefore, demand a complex reading but one which should not exclude an unabashed, commercial exploitation of the popular taste for titillation and cheap thrill.

Finally, the media reporting of William Corder's trial and execution highlights the sensitivity of authority with issues of public and social order alerted by the intense interest which these events inspired. Reported remarks of judges and journalistic comment betray an anxiety with the unfortunate effects of the trial proceedings and Corder's execution on a female audience whose delicacy and sensibilities demanded protection from, rather than exposure to, such matters. Curtis reports that on the day before the trial 'it was strictly enjoined that no females should be admitted, and this shrieval mandate was issued from a strict regard to humanity'.¹³⁶ Despite the ban it seems that the women themselves were determined not to miss the spectacle. Curtis describes how to avoid disappointment, 'a number of them, and among them persons of

¹³⁶ Curtis, *An Authentic History*, p. 106.



Figure 4
'The murder of Maria Marten at the Red Barn'

consideration stood, at the risk of their lives, on the stone ledges and basements of the windows of the court'. Curiosity was such that 'Ladders were raised, and numbers (ladies among the rest) actually mounted the tiling of a house, from whence they could obtain an indistinct view of the prisoner'. The first day of the trial saw heavy rain and thunderstorms, however:

While riding habits drenched, and veils, lately flowing, became twisted like a piece of tarpaulin, in consequence of the pitiless storm, [this] could not damp the curiosity of those beautiful spectators.¹³⁷

It was also noted that there were a great number of females present at the execution of Corder, and Curtis comments that nothing but intense curiosity in the case 'could have induced respectable females to have been present to witness a catastrophe so uncongenial with the delicacy of their sex, and with those kind and tender feelings which are[...]the peculiar characteristic of the British fair'. He goes on to relate how one woman, reprimanded for being present declared 'that she had a right to witness the end of the man who had inhumanely butchered one of her sex'.¹³⁸ Clearly women shared in the public fascination that the murder, trial and execution generated and had their own reasons for wishing to participate in, and witness, the spectacle. Their determination to be there and to see for themselves suggests that prescriptions about what was appropriate for their sex were not always heeded. At the same time the comment which their presence stimulated further demonstrates the gender ideology of this period.

The imaginations of both men and women across the social classes were gripped by the development of the Red Barn case. Extensive pre-trial hype and commercial milking

¹³⁷ Curtis, *An Authentic History*, pp. 178-9.

¹³⁸ Curtis, *An Authentic History*, p. 300.

suggest that popular imagination was already hooked before the trial opened. In the period between the discovery of Maria Marten's body and Corder's trial the barn became plagued by souvenir hunters. As the trial approached local inns were charging 'extravagant prices'. Public, open air sermons both before and after the trial attracted large crowds and the sermons were subsequently published. On June 22 an Independent preacher from London, Reverend Young, delivered his moral warnings to a crowd of between 5,000 and 7,000 people in a large open space in view of the Red Barn. Handbills had advertised the event and Curtis comments that, 'Never before, in all probability, did the village of Polstead contain so great a number of human beings at one time'.¹³⁹ Polstead and the Red Barn became a magnet, drawing people from near and far.

It is always difficult to estimate how much this fixation with the case was the result of media manipulation and commercial opportunism, and to what extent the production of sermons and literature was in response to a public hunger for news and commentary on the events. Certainly there is evidence of skilful marketing; the Reverend Hughes, for example, used a public announcement of his donation of two guineas to Corder's widow to advertise his published sermons and also distributed a number of free copies 'amongst the poor of Bury'.¹⁴⁰ It is ironic that the selling of the 'fatal rope' for one guinea an inch is condemned by the same newspaper which on the very same page promotes various publications and accounts of the trial including a taster of Reverend Hughes' 'Power of

¹³⁹ Curtis, *An Authentic History*, p. 58.

¹⁴⁰ *Bury and Norwich Post*, September 3, 1828.

Conscience', thus creating a distinction between some forms of commercialism and others.¹⁴¹

However, the cultural fascination was so widespread and enduring that it cannot be explained merely in terms of media hype. Jean and Norman MacKenzie suggest that this intensity of interest is to be located in the elements of violence, murder, mystery, superstition, sex and class which the case combined and which were also the main ingredients in popular literature and drama at the time. They further argue that the gratification of ghoulish pleasure could conceal itself behind 'an odour of moral sanctity' providing an excuse for titillation.¹⁴² No doubt these elements existed but reporting of the progress of the case suggests that public interest had more complex meanings and was itself implicated in the unfolding drama. Popular obsession with and response to the crime served to highlight and intensify the horrifying and tragic nature of what had transpired. After the discovery of Maria's body Polstead, it was reported by Curtis, became crowded with strangers 'from all parts of the adjacent country, for news of this appalling discovery had ere this reached the remotest part of the Kingdom'.¹⁴³ This level of public attention conferred an importance on the case and justified the extreme response of authority. However, excited public interest could also signify social and political danger. During the conducting of the coroner's inquest Curtis refers to the 'disgraceful conduct of the peasantry' who gathered in and around the Cock public house 'singing noisy and objectionable songs', turning a solemn investigation into 'an

¹⁴¹ *Bury and Norwich Post*, August 27, 1828.

¹⁴² J. and N. Mackenzie, *An Authentic History*, p. 227.

¹⁴³ Curtis, *An Authentic History*, p. 22.

occasion for tumult, drunkenness and debauchery'.¹⁴⁴ The unseemly behaviour of this 'motley and disorderly group of beings', therefore, were seen to detract from the seriousness of the crime and the solemn outworkings of the judicial process. Public interest and attention, depending on the form it took, could either confirm or undermine the exercise of authority.

The issue of carnival or consent has dominated historiographical debate on the spectacle of the scaffold, often presenting polarised views. Foucault, for example, has argued that the scaffold drama was written and staged by the state as a demonstration and confirmation of its authority over a compliant populace. Declining confidence in the effectiveness of this demonstration was to lead to alternative forms in the exercise of power.¹⁴⁵ Lacquer, however, has challenged the consensual argument by stressing the crowd's insubordination, popular control over the ritual and the 'carnavalesque' atmosphere of these gatherings.¹⁴⁶ An uncomplicated commitment to one extreme view or the other risks oversimplification of the execution ritual, imposing a unified meaning which did not exist. As Gattrell points out, whilst 'there is no doubt that executions had the capacity to implant the law's presence, power and moral messages in the collective mind, scaffold crowds could be far from deferential and their consent was not always freely given'.¹⁴⁷ At the same time 'carnavalesque' elements in the behaviour of the crowd

¹⁴⁴ Curtis, *An Authentic History*, p. 101.

¹⁴⁵ Michel Foucault, *Discipline and Punish: The Birth of the Prison*, Penguin, 1991. Foucault identifies and traces a new system of punishment which begins to emerge in the late eighteenth century. The shift is from public punishment against the body to punishment directed against the mind and soul. Foucault interprets this changing emphasis, which was to culminate in criminal policy reform and the rise of the prison system in the nineteenth century, in terms of a more scientific and effective means of exercising state power rather than a rise of humanitarianism.

¹⁴⁶ A. L. Beier, D. Cannadine and J. M. Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone*, Cambridge University Press, 1989, pp. 308-313.

¹⁴⁷ Gattrell, *The Hanging Tree*, p. 90.

can be exaggerated or misconstrued, for, as Gattrell further argues, the application of this tradition to the nineteenth century lacks 'some chronological credibility'.¹⁴⁸ If there was a carnival element at nineteenth century executions 'it was witnessed narrowly in the hub-hub and movement of people and in the commercialisation of the event', rather than in elaborate rituals and symbols of role reversal, subordination and mocking laughter.¹⁴⁹

Executions in the nineteenth century were rare public events. People stopped work for the day; they gathered early to get the best views; a festive atmosphere often prevailed as broadside hawkers and street preachers drummed up custom and audiences. However, as Michael Jasper comments, 'It would be too easy to explain away riotous crowds as a violent reaction by the disenfranchised and the disillusioned directed against the most deadly display of law and order'.¹⁵⁰ The fear of public disorder may not have had any particular political connotations beyond rowdiness, drunkenness and disorder. Moreover, execution crowds were socially diverse; the rich rubbed shoulders with the poor though this does not necessarily imply a unity of response. Rather, ambiguity and ambivalence surrounded the scaffold scene and was particularly demonstrated in the psychology of the crowd.

¹⁴⁸ 'Carnivalisation' is a term coined by Mikhail Bakhtin to describe ritualised subversions of official institutions and hierarchies by the reversal of high and low cultures. He has suggested that Rabelais, Dostoevsky and other writers drew on the grotesque bodily image of carnival for this purpose. Peter Burke, *Popular Culture in Early Modern Europe* (1978), also draws on this idea of the carnivalesque in his interpretation of executions in this earlier period. Gattrell's point is that by the eighteenth and nineteenth centuries there is only the 'thinnest echo' of the carnival tradition in its specific meaning.

¹⁴⁹ Gattrell, *The Hanging Tree*, p. 94.

¹⁵⁰ M. Jasper, '“Hats Off!": The Roots of Victorian Public Hangings', in, W. B. Thesing (ed.), *Executions and the British Experience From the Seventeenth Century to the Twentieth Century: A Collection of Essays*, McFarland & Co., 1990, p. 140.

Corder's execution, not untypically, was attended by people of all ranks and dispositions - 'from the Baronet's heir to the Suffolk peasant' - and it is likely that they assembled for a multitude of reasons. The crowd of about 10,000 people was large for a small market town. Gattrell suggests that the hanging of murderers was usually approved of and that the biggest crowds turned out to witness the execution of those of a higher social ranking. He also argues that with large gatherings an 'alternative order' prevailed as 'all large crowds occupy liminal situations in which rules are suspended and solidarities are enjoyed beyond authorities' sanctions'. Executions also offered a cathartic effect in the form of escape from routine and deprivation. Curiosity and a fascination with human mortality are further likely ingredients in the crowd mentality for whom fear of death lay behind some of the levity. Some undoubtedly went to watch others die in pain but, as Gattrell points out, it is difficult to know what their shrieks and gasps expressed when the drop fell.¹⁵¹

The reporting of the trial and execution of William Corder demonstrates the growing tension between a belief in the lesson of the gallows and a fear that these events provided opportunities for the congregation of 'undesirables'. The *Bury and Norwich Post* reports how early in the morning of the first day of the trial 'a multitude of persons' assembled in the vicinity of the court; they waited at the doors of the Shirehall in 'pelting rain' making it difficult for the judge to gain entry on his arrival. Corder, we are told, 'ascended from the cell with a firm step but some force was required to drag him through the persons within the pound'. It was 'as though the inhabitants of the tombs and sepulchres had given up their dead preparatory to the last judgement'. According to the

¹⁵¹ Gattrell, *The Hanging Tree*, pp. 67-70.

report 'a scene of confusion was presented which not even the most experienced in crowds had ever seen paralleled'. The previous night there were so many visitors to Bury that the inns and public houses were crowded and a guinea was the price of a single bed.¹⁵²

The crowds which assembled for Corder's trial clearly gave the authorities cause for concern. In his *Authentic History* Curtis describes a disorderly scene in which:

Counsellors, magistrates, jurors & C & C were wedged together, and two of the former gentlemen had their forensic wigs hooked off, and one was actually ungowned. Some lost their hats, some their pocket books, and others their money - and not a few the lapels of their coats.¹⁵³

Eventually the court was filled and the crowd withdrew; even still the side windows of the court were broken with the pressure of the crowd, and there were 'tumults' throughout the day which the local authorities suppressed. On the second day admission to the court was more carefully managed and Orridge, the governor of the gaol, was called upon to assist in the operation.

As a result of this experience, when it came to Corder's execution special arrangements were made by creating an opening in the centre of the gaol wall which separated the gaol from the adjoining field thus avoiding the crowd. Moreover, during his last service in the prison chapel it was impressed upon Corder that his external behaviour and conduct at the time of his execution could do moral good. He was told:

A prisoner ought to endeavour to conduct himself at the close of his existence so as to edify and improve those by his death, who

¹⁵² Curtis, *An Authentic History*, p. 106.

¹⁵³ Curtis, *An Authentic History*, p. 109.

could only have received evil examples from his former life, conversation and pursuits.¹⁵⁴

Significantly, Curtis accompanied the reporting of this message to the condemned Corder with the comment that 'a death on the scaffold always excited considerable attention on the part of the multitude of spectators.' Clearly Corder's actions were considered crucial to the crowd's conduct as they participated in the scaffold drama and to the messages they took away with them. In the same way Corder's confession and acknowledgement of his guilt exacted from the condemned cell the day before his execution played an significant role in the justification of his punishment.

On the morning of the execution Curtis reports that as early as five o' clock 'hundreds of rustics poured into town from different parts of the county'. Although 'almost every grade in society' was represented there were more labouring men than any other class of people. Despite the fact that it was a fine harvest day Suffolk labourers defied the instructions of their employers and came in gangs to witness the end of a murderer. On the scaffold Corder's words acknowledged his own guilt: 'I am guilty - my sentence is just - I deserve my fate - and may God have mercy on me!' These words were repeated by Orridge to the crowd to ensure that this message of compliance and endorsement was received. Clearly, public order gave cause for concern and consent was not guaranteed though there existed also a belief in the power of public example. Directly addressing the contemporary debate Curtis comments: 'It has been asserted that the execution of criminals should not be public, in as much as it causes a number of dishonest, licentious, and depraved beings to congregate around the gallows'. He concludes, nevertheless, that

¹⁵⁴ Curtis, *An Authentic History*, pp. 271-272.

nothing is more effective in impressing the consequences of crime than to witness such a trial and execution, for, 'example has ever been deemed superior to precept' and 'the great end of punishment is to enforce example'.¹⁵⁵ Corder's example, however, does not end with execution. One hour after he was hung Corder's body was cut down from the gibbet and taken to Shirehall for public inspection. The following morning his body was dissected at County hospital and George Creed, surgeon to the hospital, is reported to have shown visitors the skeleton, heart and cast 'of this horrid murderer.'¹⁵⁶ In contrast the 'mutilated remains' of his 'unfortunate victim', Maria Marten, are constantly evoked to emphasise the cruel destruction of a former beauty, innocence and hopefulness, her body a site for rural innocence, 'feminine' vulnerability and victimhood, patriarchy, class exploitation and the exploration of wider moral and ethical issues.

As a victim of murder, Maria's voice is absent or assumed by others in the Red Barn narratives; it is impossible to reassemble what might have been her story. The mother of three illegitimate children and possibly implicated in the death of her third child she was, however, sexually experienced and no rural innocent. As far as can be ascertained, she challenged William Corder over the intercepted 5 guineas sent by the father of her living child, pressed Corder to marry her, disguised herself in male clothing and prepared to elope. She died in the Red Barn at the hands of her lover, an act that may or may not have been premeditated. There is nothing in all of this to suggest that she was the vain,

¹⁵⁵ Curtis, *An Authentic History*, p. 445. Although the first recorded challenge to public executions in Parliament took place in 1819, a concerted abolition movement did not begin until the Victorian period. In 1841 the first motion in the House of Commons to abolish public executions was rejected. The issue was not raised again until 1856. Public execution was finally abolished in 1868 when a falling crime rate and changing moral attitudes meant that 'public executions had become a growing source of embarrassment and an anachronism.' (D. D. Cooper, 'Public Executions in Victorian England: A Reform Adrift', in W. B. Thesing (ed.), *Executions and the British Experience*, pp. 149-162.)

¹⁵⁶ Curtis, *An Authentic History*, p. 304.

deluded and fanciful creature of literary and journalistic transfigurations. It is more than likely that she was acutely aware of her situation and sought to secure her own future and that of her surviving child. The materiality of her economic and social position is not, however, considered in the narratives; her actions are not explored in rational terms. Represented as a victim of seduction rather than male violence, the outline of her life and death provides a canvas for the elaboration and contestation of ideologies of gender, class and "race". In the final scene of the melodrama, *Maria Marten*, the ghost of Maria appears before a disconsolate Corder as he awaits his execution in the condemned cell. She confronts her killer with the words:

Can'st thou, murderer, hope that sleep - soft, balmy sleep can e'er be thine? Look on thy sinless victim, who in life adored thee, now wandering here unearthly, pale and cold. See! See! from whence life-blood gushed. William! William! thy poor Maria pities and forgives thee - thee, her murderer.¹⁵⁷

Melodrama could conjure up spirits, but the reappearance of Maria merely serves to confirm her violated innocence inscribed upon her now lifeless body. Furthermore, in her ability to forgive her murderer Maria performs the ultimate duty of long-suffering femininity.

¹⁵⁷ Anon., *Maria Marten*, p. 234.

Chapter Three

‘Unfortunate’ women: Victims of domestic disharmony

I went into the kitchen and saw the body of Mary Ann Tebbenham lying on the bricks. She was dressed exactly as I left her two hours and a half before ... the woman was dead and had been a considerable time, the upper part of her head was gone and the floor quite covered with blood a very large place ... the children were crying, shrieking and talking on and I went into the first Bedroom and kissed two of the children I found there.¹

This account was told by James Mace, a shepherd living in Wantesden in Suffolk, as part of a deposition presented before the Coroner’s Court in February 1845. The victim of the shooting was Mary Ann Tebbenham, a married woman with five children who three weeks before the incident had given birth to her youngest child; her husband, ‘the author of her death’, William, was gamekeeper to Lord Rendlesham. James and Mary Mace, neighbours of the Tebbenhams, lived three quarters of a mile away; William and James possibly shared the same employer. There was, according to James, ‘a good understanding’ between them.

Unlike Maria Marten, who through the repeated media and literary retellings of her story acquired an iconic status for female victimhood, Mary Tebbenham’s fate unfolded within what would have been considered a ‘normal’, domestic setting at the time. She was not seduced; she was not a participator in an illicit sexual relationship; she was not involved with a man of superior social rank. She was killed, not by a lover, but by her own

¹ Bury Record Office 421/94, *The Queen Against William Tebbenham for Manslaughter. Depositions and Prosecution Brief*, 1845.

husband and in her own kitchen rather than a back alley, field, isolated barn or some other liminal space cut off from the protective arms of family and friends. Maria Marten and Mary Ann Tebbenham may have shared violent deaths but the latter's circumstances typify the cases of domestic violence heard before the Suffolk Assizes between 1830 and 1860 whereas Maria Marten's do not. That Mary Ann's story did not inspire melodramatic productions and literary attention is indicative of how ordinary, if 'unfortunate', it was judged to be.

The following chain of events leading to Mary Ann's death and the subsequent arrest and trial of William Tebbenham were described in a Prosecution Brief and the detailed reporting of the case in the *Bury and Norwich Post* in April, 1845.² On arriving at 'The Oyster' public house on the evening of February 15, James Mace found his friend and neighbour, William Tebbenham, 'typsy and quarrelsome'. Heavily embroiled in a heated exchange with his brother-in-law over the alleged mistreatment of his wife two years ago, Tebbenham was, indeed, 'partly stripped as if for fighting'. At about ten o'clock Mace succeeded in persuading his friend, who was now very drunk, to leave the alehouse and together with his 'boy' escorted him the half a mile to his home. When they arrived at Tebbenham's house Mary Ann was in the bedroom and William 'said a few smooth words' to her. On returning to the sitting room he ordered his wife to fetch some beer which eventually she did but not before first complaining about being sent down into the damp cellar. Shortly after, Mace and his son left; as they walked through the yard they could hear Tebbenham 'talking loud'. An hour after going to bed in his own cottage Mace was awakened by the frantic shouting of Tebbenham: 'Mace, Mace for God's sake

² *Bury and Norwich Post*, April 2, 1845.

come and let me in be quick. I have shot my dear Mary Ann's head off'.³ On returning with him to Tebbenham's cottage he discovered the appalling scene.

Tebbenham claimed that he had shot his wife accidentally whilst they quarrelled over his plans to go out again and as he was in the process of collecting his horse pistol from a drawer. In response to the Coroner's invitation to put his own story he volunteered the following statement, which was also repeated at the trial:

I have to say that my wife tried to persuade me to go to Bed - I said that I would go out and went to get the Pistol from the Chest of Drawers - the little Babe was shrieking - she said something to the Babe - I am coming or something like that - I pulled the Drawer open and she was close by the side of me with a Candle in her hand. I had the Drawer open and took the Pistol and directly I took a hold of it that went off in a moment - I could just discern her poor head going down and I think she said Oh! It was all done in a moment - that is the real truth.⁴

Raised tempers, a fraught domestic scene and the loosening effect of alcohol led, according to Tebbenham, to a terrible mishap. Despite the prosecution's case that Mary Ann's injuries to her face and head suggested shooting at close range with the pistol in a horizontal position indicative, perhaps, of a more threatening action, Tebbenham's ready confession, his perceived lack of motive and his demonstrations of remorse both before and after the trial steered the jury to a verdict of manslaughter and a sentence of one year's hard labour. Mary Ann's death was represented, therefore, as a tragic accident; she was an 'unfortunate woman', the victim of her husband's temporary derangement triggered by excessive drinking. Since her death occurred within her own marriage and home, to raise questions about the underlying context of violence appeared irrelevant; the domestic situation in itself limited the possibilities for serious crime. As was

³ *Bury and Norwich Post*, April 4, 1845.

⁴ B.R.O., *The Queen Against William Tebbenham*, 1845.

emphasised at the trial, 'the prisoner, except when under the influence of liquor was kind and affectionate towards his wife but in moments of drunken excitement he became a madman'.⁵ This "aberrant" behaviour flies in the face of his history as a long-term abuser.

The focus of this chapter is the representation of women as victims of domestic violence, that is assault committed within the home by husbands, partners or sons, and the ways in which the crimes committed against them were understood.⁶ Providing the main sample for analysis will be the reporting of cases heard before the Suffolk Assizes between 1830 and 1860 in the *Bury and Norwich Post*. As a comparison, stories of domestic conflict featured in the popular, weekly magazine, the *New Newgate Calendar*, which retold 'factional' accounts of notorious eighteenth and nineteenth-century criminal cases, will be explored. Before presenting an overview of the Assizes cases, however, I would like to highlight some key themes, which dominated the legal and media discussions surrounding Mary Ann Tebbenham's death. For, the disruptive effects of drink on middle-class ideals of manliness and domesticity, and the involvement and collaboration of community and neighbours in both the events that occurred and in the definition of respectable and acceptable conduct composed fundamental elements of many of the cases.

⁵ *Bury and Norwich Post*, April 2, 1845.

⁶ For the purposes of this study 'domestic' describes the relationship between the perpetrators and victims of violence, i.e. married men and women, sexual partners or mothers and sons. I have excluded cases of rape from this chapter though they form the subject of the next. However, the distinction between sexual and non-sexual violence is difficult to establish. Not only were legal definitions ambiguous and inconsistently applied but, as Shani D'Cruze has observed, domestic violence often occurred within a sexual, marital relationship which immediately renders the sexual/non sexual dichotomy problematic. See Shani D'Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, UCL Press, 1998, p. 19.

A metamorphosis of husbandly behaviour induced by alcohol was commonly evoked in cases of domestic violence thus providing an external catalyst which shifted the focus away from inherent domestic tensions, obscuring the need to probe beneath the surface of the immediate incident which had resulted in injury or death. An association between depravity, domestic ruin and alcohol was, indeed, a persistent theme within middle-class analyses of working-class life. According to the influential discourse of the nineteenth-century temperance movement, drink could make all the difference between the unhappy, dysfunctional household and the harmonious home modelled on the middle-class idyll. Indeed, as Brian Harrison has described, early Victorian evangelicals saw teetotalism as crucial to the project of reclamation and improvement of the working classes.⁷ However, whilst the relationship between heavy drinking and aggressive behaviour is well known, men were not indiscriminate in their choice of victim; as Hammerton has argued, their drunkenness 'was not nearly so blind as was commonly believed'.⁸ Rather, alcohol served to aggravate existing tensions arising from issues of household expenditure, expectations of behaviour and the division of duties and responsibilities within conjugal relationships. Husbands' consumption of limited family resources in drink concentrated such tensions, for, as Shani D'Cruze has commented: 'The issue of drink was the one above all where the culture of male sociability and the domestic

⁷ B Harrison, *Drink and the Victorians: The Temperance Question in England 1815-1872*, Faber and Faber, 1971. Harrison's study highlights the significance of the temperance movement within nineteenth-century social, cultural and political life. At temperance meetings held all over England the aim was to reform the drunkard, a process which he describes as a 'secularised conversion experience' in which 'social aspiration' was substituted for 'doctrinal belief' (pp. 108-130). Catherine Hall warns, however, of the dangers of representing temperance merely in terms of middle-class hegemony. Although strong connections existed between working-class radicalism, self-improvement and middle class notions of respectability, 'working-class men and women were not miraculously transformed into respectable and sober men, domestic and home-loving women by the actions or institutions inspired by the middle classes [...] nor did they simply refuse the values of this dominant culture'. C. Hall, 'The Tale of Samuel and Jemima: gender and working class culture in early nineteenth-century England', in, *White, Male and Middle Class: Explorations in Feminism and History*, Polity Press, 1992, p. 143.

⁸ A. J. Hammerton, *Cruelty and Companionship. Conflict in Nineteenth Century Married Life*, Routledge, 1992, p. 46.

economy most frequently collided'.⁹ Domestic violence, therefore, could have root causes which were evaded by theories of uncharacteristic, outbursts of violence induced entirely by alcohol. We know, for example, that William Tebbenham had been promoted to upper keeper by his employer in 1840; by the standards of the day he was probably earning a steady and reasonable income. However, with five young children under nine and the baby only weeks old, day to day living for the Tebbenhams must have been a constant struggle. These circumstances underlay the violence which erupted on February 15 and may have contributed to it, as clearly did William's irritation at his wife's slow compliance with his order to fetch beer and her challenge to his decision to go out again, construed as an affront to male authority.¹⁰ A more penetrating analysis of the conditions, expectations and tensions leading to conflict was not, however, undertaken and if alcohol was allowed to neutralise the consequences of domestic violence it also, conveniently, sidestepped the real causes.

Mary Ann Tebbenham's victimhood, therefore, was defined primarily in terms of her husband's drinking, an external agent provoking extreme behaviour and tragic consequences. At the same time, however, the questions of the prosecutor and the comments of the judge express an anxiety about the effects of impaired, masculine conduct. In the giving of their evidence neighbours contributed to this discussion suggesting a degree of class negotiation of notions of respectability and the delineation of appropriate/inappropriate treatment of wives by their husbands. Central to the decision that Mary Ann Tebbenham died as a result of an unfortunate accident facilitated by

⁹ D'Cruze, *Crimes of Outrage*, p. 67.

¹⁰ In her study of domestic violence in London Nancy Tomes identifies resource issues, the wilful behaviour of wives and the failure of wives to carry out their duties as the main reasons for wife beating. Tomes, 'A "Torrent of Abuse": Crimes of Violence Between Working Class Men and Women in London, 1840-1875', *Journal of Social History*, ii (3), 1978, p. 330.

William's temporary loss of self-control, therefore, was a judgement about his performance as a man. The incident over which he had quarrelled with his brother-in-law in 'The Oyster' public house on the evening of Mary Ann's death became crucial to this discussion.

As part of his deposition statement James Mace described these events of two years ago when Mary Ann Tebbenham fled from her husband's violence and relatives and neighbours became involved in the resolution of a domestic crisis. He recalled:

I never saw Tebbenham beat his wife unhandsomely - only one night - this was about two years ago - it was in the night just before midnight - William Tebbenham came to my house and called us up to come to his house directly for his wife had run away and he did not know where she was.

Mace went on to describe how they had searched for her until daylight and how:

Tebbenham said on that occasion if he could find her he would give her a good flogging - he seemed to me then in a sober state - I begged Tebbenham not to flog her but he said he would - I did not see Mrs Tebbenham for days after that.¹¹

We are not given the details of the circumstances leading to this particular episode in the domestic career of the Tebbenhams, though Mary Ann's fear of her husband's violence is strongly conveyed. The use of the word 'unhandsomely' is revealing, indicating an acceptable and unacceptable level of violence; the reference to 'flogging', moreover, points to physical extremity and also suggests that there are degrees of violence, which create social debate. Crucial to the account is the question of whether or not Tebbenham's actions were those of a drunken or sober man, his condition influencing the meaning placed on his conduct. Mace concluded his story by asserting that he had seen the couple on numerous occasions since the incident and that: 'they always seemed

¹¹ B.R.O., *The Queen Against William Tebbenham*, 1845.

happy and comfortable together', suggesting an exceptional and abnormal event within an otherwise harmonious relationship. However, the fact that two years later this incident could still be raised in the local public house, clearly riling Tebbenham and leading to flared tempers, suggests that certain forms of mistreatment by husbands of their wives could be evoked to question their masculine credentials. For the incident still to be embedded in collective memory is also, most likely, indicative of its extremity. Although drinking may have constituted a part of the working class definition of masculinity its effects, it appears, could transgress the limits of acceptable manly behaviour. In their response to Tebbenham's conduct the working class community was itself ambivalent.

This sense of tension and ambiguity is also evident in the testimony of James Mace's wife, Mary, who described herself as a close friend of Mary Ann Tebbenham - 'we were always backwards and forwards'. Mary's account highlights her friend's fear of her husband's drunken violence but at the same time pronounces an overall, positive verdict on his performance of the masculine role. She deposed:

I never saw Tebbenham misuse his wife but she told me two years ago that he horsewhipped her and that she was afraid of him always where he was in liquor, that he was a good husband and a good Father to his Children she said when he was sober.¹²

Again, alcohol is defined as an external power, which removed responsibility and provided an explanation for extreme or deviant conduct. On the morning after Mary Ann fled her husband's drunken rage she sent for Mary Mace from the Cottage House where she had taken refuge. Mary reports how she was 'afraid for her life [...] she was afraid to be with him for she said when he came home in these typsy airs, he would not

¹² B.R.O., *The Queen Against William Tebbenham*, 1845.

mind killing her or doing anything to her'. The resolution to this domestic crisis involved the intervention of Mary Ann's father and a pledge by William Tebbenham that he would 'behave better' if his wife would 'settle herself'. In the event of a future recurrence Mary Mace's advice to her friend was 'to humour her husband and be peaceable when he went home tipsy'. This suggested strategy from a neighbour and friend who had closely followed the progress of the drama and had directly encountered Mary Ann's fear and distress is indicative of a level of community resignation to the kind of domestic danger which two years later was to result in her friend's death.¹³

The detail of the discussion surrounding this case suggests, therefore, that some toleration of violent behaviour in husbands was both embedded in working class culture and was also sanctioned by the legal process. Debate focused not so much on the right of husbands to correct or physically coerce their wives, but on the degree of violence that they inflicted, a delineation of reasonable limits.¹⁴ The earlier incident between Tebbenham and his wife had not lead to prosecution; neighbours and family involved

¹³ The intervention of neighbours in this earlier domestic dispute involving the Tebbenhams illustrates the kind of communal regulation of domestic violence that took place. Other forms of regulation included "rough music", which from the late eighteenth century onwards was targeted at wife-beaters rather than scolding or dominant wives. Hammerton argues, however, that although both judicial and public attitudes were changing there were no radical shifts and responses remained ambiguous. Marital conflict in itself was insufficient to invite community reproach and women continued to be the objects of rough music rituals which 'provide a frail and uncertain vehicle for reading changes in attitudes to gender relations and domestic conflict'. See Hammerton, *Cruelty and Companionship*, pp. 15-20.

¹⁴ Under common law, wives were the legal responsibility of their husbands who had control over their wives' property and, to some extent, control over their persons. Husbands had the right to chastise their wives and ensure that they kept within the bounds of wifely duty. Although, since the seventeenth century, the courts held that chastisement should fall short of physical correction traditional interpretations persisted, the general rule being that a man could beat his wife but not excessively, with a stick no wider than his thumb. A wife could act legally against her husband in two ways; by prosecuting for assault or attempted grievous bodily harm or by applying to a court for an order binding her husband to keep the peace if she had been the victim of cruelty or violence. It was the level of violence or injury that was crucial to the legal outcome and also, it appears, directed the community response. For a detailed discussion of the legal position see Lee Holcombe, *Wives and Property Reform of the Married Women's Property Law in England in Nineteenth Century England*, University of Toronto Press, 1983, pp. 18-30. See also Maeve E. Doggett, *Marriage, Wife-beating and the Law in Victorian England*, University of South Carolina Press, 1993.

themselves in the domestic crisis but judged the situation to require no further intervention or monitoring. Indeed, Mary Ann Tebbenham was advised on how to manage her husband's abusive behaviour. It was only the fatal events of two years later that aroused community and official concerns. Nancy Tomes, in her study of Victorian London has defined the point of community intolerance in terms of 'the sight of a great deal of blood, the use of a weapon, the age or infirmity of the wife' which 'weighed against the prevailing custom of allowing a husband his rights'. She continues: 'The community drew the line at murder [...] They would call the police not because a man was beating his wife but because they thought he was murdering her'.¹⁵ As illustrated by Mary Ann Tebbenham's case, the offence existed not in the nature of the crime but in the force of violence employed. Even then, alcohol offered extenuating circumstances, accepted as much by the victim and her neighbours as by those that passed and reported legal judgement.

The assessment of William Tebbenham's crime against his wife involved, therefore, a mapping of the boundaries of rough and respectable behaviour, negotiated by judges, lawyers, the media and the local community, around which there was a degree of class convergence. In the arena of the courtroom ideas of appropriate manly conduct were articulated and contested before a judicial assessment was made. Whether it was in his incapacity to hold drink or in his flouting of the protective, chivalric role, in the final analysis William Tebbenham was represented as a weak and erring husband whose masculine fallibilities were to have tragic repercussions; he was not, however, defined as an aberration or a monster. His violence had arisen spontaneously and had been overt; as

¹⁵ Tomes, 'A "Torrent of Abuse"', p. 336.

the defence lawyer stressed 'there was no subtle poison to detect'. Witnesses testified to his distress and emotional turmoil on the night of the crime; as he raised his neighbours he 'kept stamping and ringing his hands', interpreted as outward manifestations of inner anguish and remorse. Mary Mace reported Tebbenham's description to her of the last moments of his wife's life: 'Poor dear, she groaned, and tried to speak three times, and she waved her hands three times, and I kissed her three times', suggesting a tenderness which counterbalanced the violence and physicality of her death.¹⁶ Tebbenham's defence also emphasised his bearing and conduct claiming that it was incongruous with that of a murderer, and that 'there was no proof of motive, or of malice, or of any connection with any other woman, which would induce him to deprive of her life the mother of his five children, and who appeared the dearest to him of any human creature'.¹⁷ In all respects, other than the immediate events that surrounded his wife's death, William Tebbenham was deemed, therefore, a virtuous husband.

Whatever the circumstances surrounding her death, and however William's treatment of her was understood and excused, Mary Ann Tebbenham was the victim of an abusive husband. It remains necessary, nevertheless, to locate this instance of domestic violence within its specific historical context for, as Hammerton has argued, 'forms of sexual antagonism were conditioned by contexts of class and gender' as, indeed, were the responses of community, law and media.¹⁸ This is not to deny the complexity and diversity which existed within relationships at any given time, merely to acknowledge the ways in which wider social and cultural processes and changing economic structures

¹⁶ *Bury and Norwich Post*, April 4, 1845.

¹⁷ *Bury and Norwich Post*, April 4, 1845.

¹⁸ Hammerton, *Cruelty and Companionship*, p. 4.

helped to shape individual experience and behaviour and both informal and official responses.

In her reconceptualization of the making of the British working classes in the period between 1780 and 1850, Anna Clark has placed issues of gender conflict at the heart of her analysis. Within her study, which focuses on artisan and textile communities in London, Glasgow and Lancashire, Clark traces the progress of gender relationships and identities, rooted in developing economic and social structures. She argues that in the late-eighteenth and early-nineteenth centuries contradictions embedded in religious and popular, prescriptive definitions of marriage as patriarchal yet companionate were heightened by upheavals in traditional patterns of working and living. In the face of economic insecurity and change the conjugal ideal was increasingly difficult to achieve. The material realities of the family economy demanded strong, industrious wives, which led to sexual antagonism. This tension was explored and exploited in satirical literature of the period, which popularised the motif of the struggle for the breeches.¹⁹ By the 1830's and 40's, however, radical and dissenting working-class men, trade unionists and temperance advocates had developed a political rhetoric, which enshrined a new notion of domesticity in which manhood was defined as responsible and chivalric and womanhood as passive, protected and housebound. This working-class discourse of domesticity, Clark argues, was instrumental to the politics of Chartism though the role of the male breadwinner could not easily be realised on low or irregular, male wage rates. Thus, 'working class couples had to negotiate between old habits, new expectations, and

¹⁹Anna Clark, *The Struggle for the Breeches: Gender and the Making of the British Working Class*, University of California Press, 1995, pp. 63-87.

the exigencies of family survival'.²⁰ Rather than leading to an abatement of domestic strife, the new conjugal ideal ensured its persistence as it 'still contained the seeds of violence within a shell of chivalry'.²¹

By placing domestic conflict within the context of an economically, socially and politically transforming society, Clark's study follows a historiographical path that has become well established, though analyses may vary in detail. *The Struggle for the Breeches*, in particular, contributes a detailed exploration of the complex relationship between domestic living and very specific local, economic and political conditions. Although it is difficult to know how far Clark's conclusions can extend beyond the metropolitan scope of her investigation, her finding that skilled, working men were as, if not more, prone to beating their wives as their poorer counterparts in London, Glasgow and Lancashire, challenges the notion that domestic violence can be explained simply as an act of deviance born out of poverty and unemployment. However, by dealing more discretely with plebeian culture and politics, Clark, perhaps, underestimates the interplay between middle-class and working-class ideals, prescriptions and experiences. Furthermore, by placing patriarchy at the centre of her story, female subordination and dependency may be privileged at the expense of female agency.

John Gillis and A. James Hammerton have both highlighted the mid decades of the nineteenth century as a period in which the middle-class ideal of companionate marriage impacted on the working classes, an ideal which they, ostensibly, embraced but within an economic context which rendered its achievement problematic. Gillis, for example, has

²⁰ Clark, *The Struggle for the Breeches*, p. 253.

²¹ Clark, *The Struggle for the Breeches*, p. 261.

argued that by the mid-nineteenth century mass rejection of common law marriage and divorce and a return to legal marriage, accompanied by a decline in illegitimacy, demonstrated the pervasiveness of the middle-class ideal. However, although middle-class commentators may have hailed the triumph of the conjugal ideal, Gillis urges caution by maintaining that the preference for marriage amongst the working classes was predominantly economic, and 'while they might subscribe to the ideal of conjugal love they did not necessarily live it'.²² Furthermore, whilst the development of industrial capitalism undermined the family economy, defining men as principal breadwinners and confirming the destiny of women as dependant wives and mothers, those who could maintain a decent home on the wage of a husband alone constituted a minority, creating a source of conflict and tension. Increasingly, men enjoyed a life outside of the home which excluded their wives and revolved around drinking whilst women turned to each other for mutual, material and emotional support. The homosocial activity of their husbands became intrinsic to the definition of masculinity as did their rejection of any domestic task that might be described as 'women's work'. At its heart, the separate spheres ideology was deeply ambiguous, advocating companionate marriage at the same time as promoting sexual division and antagonism.

Hammerton, also, has highlighted the impact of industrialisation and urbanisation on the experience of family life and conjugal relationships. Increasing dependency on wage labour, the decline of village culture and insistent and pervasive middle class

²² J Gillis, *For Better, For Worse: British Marriages, 1600 to the Present*, Oxford University Press, 1985, p. 233. Gillis argues that women in particular were compelled to marry. Increasing associations between chastity and female respectability were compounded by the New Poor Law of 1834 which discouraged motherhood outside of marriage by placing the economic responsibilities for illegitimacy, effectively, on women alone. Gillis cites an increase in attempted abortion after 1850 as an indication of the growing anxiety about the consequences of sexual intercourse (pp. 237-241).

prescriptions which normalised the ideal of the male breadwinner and the dependent wife at home, provided a context for tension and conflict. Indeed, the growing importance of the middle-class domestic idyll ensured that marital discord was subjected to intensified scrutiny and male behaviour was judged against the yardstick of an idealised model of manliness. Hammerton, however, is at pains to reject any straightforward theory of modernisation tracing a shift from patriarchal to companionate marriage, whether it is applied to middle-class or working-class experience.²³ In the long run, he suggests, both judicial and public attitudes may have been changing but they remained complex, inconsistent and ambivalent. Hence, Hammerton describes 'the coexistence of tolerance and condemnation of domestic violence' and guilt and confusion emanating from failure to meet prescribed standards. He argues:

Companionate prescriptions coexisted uneasily with an earlier but still surviving tradition of verbally and physically combative marriage, and, as most reformers stressed, the ever-present temptation of drink meant that conjugal harmony was often on a knife-edge, with violence never far beneath the surface.²⁴

This tension is evident in the representation of the violence committed by William Tebbenham against his wife where the crucial issue was the extent and manner in which

²³Hammerton's analysis focuses equally on the middle-class experience and outworking of the companionate ideal, challenging the idea of the rise of 'affective individualism' as a basis for understanding the nature and process of changes affecting married life and the family in the nineteenth century. He asserts that 'the view that conjugal love was a discovery of modern marriage seems to be unsustainable as is any lingering notion that companionate marriage necessarily implied gender equality'. Instead he argues that 'Companionate marriage constituted little more than a conditionally attenuated form of patriarchal marriage, part of a process of transition from one form of patriarchy to another'. In his analysis of divorce records after the 1857 Act, Hammerton interprets the increased frequency with which wives brought complaints of non-violent cruelty to the courts as not only an effect of the relative inexpensiveness of the new civil court but also as evidence that companionate ideas were rendering them less willing to tolerate without question their husbands' abuse of authority. The reality of companionate marriage was, therefore, 'a curdled mixture of domestic contradictions' in which the acceptance of greater domestic responsibility for men might go hand in hand with patriarchal notions, and might also inspire wives to challenge their husbands' treatment of them. A. J. Hammerton, 'Victorian Marriage and the Law of Matrimonial Cruelty', *Victorian Studies*, Winter 1990, Vol. 33, No. 2, pp. 269-292.

²⁴ Hammerton, *Cruelty and Companionship*, p. 31.

he had compromised masculine ideals. Clearly he had, but only in so far as his indulgence in excessive drinking led to an unacceptable act of violence. In the judgement of his neighbours and also of the courts Tebbenham was defined as the temporarily impaired paterfamilias but not as essentially flawed, suggesting a conflict between patriarchal privilege, the construction of a physically aggressive masculinity and chivalric and companionate ideals.

Cases of sexual antagonism: The Suffolk Assizes, 1830-60

William Tebbenham's case was one of seventeen cases of domestic murder, manslaughter or aggravated assault to appear before the Suffolk Assizes between 1830 and 1860, and reported in the *Bury and Norwich Post* (Appendix 1). These were considered serious crimes rather than common household quarrels as lesser charges involving male-female conflict would have been summarily dealt with by magistrates and police courts.²⁵ Long-term statistical trends are impossible to gauge from this data, though the studies of both Tomes and Hammerton suggest a decline in both aggravated and common assault cases between 1840 and 1890.²⁶

Of the 17 Suffolk cases 8 involved violent assault of women by their husbands, 1 an attack on a mother by her son and the remaining 8 were crimes committed on women outside of the immediate family for a variety of motives including sexual jealousy and

²⁵ In London, 1840-1875, 88% of male-female assault cases were dealt with by the police and magistrates courts. Tomes, 'A "Torrent of Abuse"', p. 337.

²⁶ A number of factors may have contributed to this statistical decline in marital violence including the increased reluctance of victims to report assaults, material dependency, fear of recrimination and community toleration of violence, making the interpretation of such trends problematic. For a more detailed discussion of the relationship between actual and recorded cases see Hammerton, *Cruelty and Companionship*, pp. 39-41.

financial gain. Immediately striking is the differential in sentencing between strictly domestic cases, mainly involving husbands and wives, and those where crimes were committed against domestic servants, lovers, a doctor's patient and a robbery victim. In the latter category 3 men were sentenced to death and were executed, 2 received death penalties which do not appear to have been carried out, and a further 2 were convicted and sentenced to 15 and 20 years transportation respectively. The remaining and rather exceptional case was brought against a doctor, Alfred Matcham, who was indicted in 1857 for the manslaughter of Mary Ann Jeckells of Lowestoft. Charged with causing her death by 'gross and palpable ignorance', Matcham's professional skill was endorsed by a verdict of 'not guilty' reached after only 3-4 minutes deliberation, despite detailed evidence of appalling medical blundering.²⁷ The jury's verdict was greeted with demonstrations of applause from friends of the accused, and speaks volumes about the power of professional men over their poorer and less powerful female patients. In this case recognition of working-class, female victimhood was denied in support of middle-class professional reputation and interest.

However, the Matcham case apart, women who were the victims of male violence outside of conventional, domestic relationships received greater sympathy in the dealings of the courts. Violent assault committed against their domestic counterparts, on the other hand, was muffled by the construction of the impaired paterfamilias, by the ambivalent responses of the women themselves and the lenient sentencing of the courts, all of which represented the offences against them as minor or uncharacteristic episodes.

²⁷ Matcham attended the birth of Mary Ann Jeckell's sixth child. He used 'instruments' to aid the birth and a tablespoon inflicting cruel injuries. The post mortem showed that 'the forceps had been forced through the walls of the passage, had seized hold of the womb itself, and that the defendant had actually pulled at it, thinking he had got hold of the child'. *Bury and Norwich Post*, March 31, 1857.

Of the 9 'domestic' cases 1 man was acquitted, another had his sentence of death respited after the appeal of his wife, one was judged insane and 5 received prison sentences of between 1 month and a year. John Catchpole, convicted in 1845 of assaulting his wife, Elizabeth, with intent to kill, was sentenced to death. He had, however, been separated from her and had forced his way into her home, placing the case outside of "normal" conjugality. It appears that his sentence was also respited. The pattern of judicial response suggests, therefore, a reluctance to acknowledge the seriousness and deep-seated causes of violent assault when it occurred within domestic confines. Extenuating circumstances leading to unmanly behaviour dented the ideal; it could remain, however, essentially intact and free from critical examination. Moreover, the male prerogative to exert authority within conjugal relationships was checked only in the limited sense of monitoring the degree of violence exercised.

In March, 1848, the *Bury and Norwich Post* reported the case of James Nunn, an Ipswich labourer indicted for the brutal assault of his wife during which she received a knife wound to her throat. Mary and James Nunn had been married for ten years and had three children, including a young baby. On October 7 James came home 'the worse for liquor', waking an ill child. Against her husband's orders and ignoring his threats of violence, Mary brought the crying child downstairs and was subjected to a the following ordeal which she described to the court:

He then took a knife out off the drawers, and sharpened it outside on the bricks. He then took up a puppy dog and said he would cut its head off. He asked me if the pig's belly was ready for supper.²⁸

²⁸ *The Bury and Norwich Post*, March 29, 1848.

James Nunn subsequently drew the knife across his wife's throat inflicting a one-inch wound. Mary's injury was described as 'superficial' by the surgeon and James was convicted of common assault, receiving a sentence of one month's hard labour. However, the terrifying nature of the incident was missed or ignored, the judge and jury merely focusing on the lack of severity of the injury Mary had sustained to her body. Indeed, in summing up the judge maintained that since James Nunn had refrained from mortally wounding his wife there could have been no intention to commit a grave offence; on the contrary, the prisoner had only intended to alarm her.

Clearly, by bringing a case against her husband Mary Nunn was speaking her refusal to tolerate his bullying and threatening behaviour. In the eyes of the court, however, the measurement of Mary Nunn's wound represented a measurement of the crime against her; the intimidation and mental cruelty she suffered were not acknowledged, nor was the incident interpreted as symptomatic of her domestic situation. When a police constable arrived to arrest James he was in bed, though profuse expressions of remorse and self-effacement suggested an uncharacteristic lapse - 'I know. I am very wrong, and I am sorry for it. I ought to have been transported years ago'.²⁹ At his trial Nunn again voiced regret blaming the incident on his drinking. Moreover, despite being an innocent victim of a sadistic attack, Mary was castigated for a lack of loyalty towards her husband, the judge observing that:

The evidence of the prisoner's wife did not shew any affection towards him, but probably he had lost that by his ill-treatment; yet it was somewhat remarkable that the mother of three children, and who had been married to her husband so long a time should not have exhibited some degree of sympathy.³⁰

²⁹ *The Bury and Norwich Post*, March 29, 1848.

³⁰ *The Bury and Norwich Post*, March 29, 1848.

Merely by bringing the case Mary was made to appear unnatural as a woman. Clearly, her overriding duty as a wife was to support her husband and deal sympathetically with his fallibility even though she had herself been a victim of it. In this case the degree of violence exercised and the level of injury sustained fell within the bounds of husbandly authority.

The threshold of tolerance for male violence inflicted within the domestic context was, therefore, high as further exemplified by the case of Isaac Frost, a twenty-two year old labourer from Rougham whose assault on his mother was described before the Suffolk Assizes in March, 1846. Arriving home 'fresly' or drunk Frost upset the food in the boiler, broke a table and had to be restrained by several members of the family as he attempted to strangle his father, taking out a knife to stab him. In the process Frost's mother suffered a knife wound to her hand and was beaten with a broomstick. Despite the judge 'remarking severely upon his depravity and want of feeling', he was found guilty only of common assault and sentenced to six months imprisonment, his mother pleading on his behalf. The newspaper reported that, 'The poor woman said as she retired from the box that it was a hard thing for a mother to appear against her son, and she hoped that the Judge would be merciful to him'.³¹ Her victimhood and pain is thus identified much less with her physical ordeal and more closely with her position as a vexed mother, and unlike Mary Nunn this woman displayed the female characteristics of forgiveness and 'sympathy'.

The critical remarks of the judge directed at Mary Ann Nunn and the ambivalence of feelings expressed by Isaac Frost's mother highlight the real tensions between ideals of

wifely and maternal duty and the bringing of prosecutions against sons, husbands and fathers. These tensions were experienced by the women themselves and were also articulated in the statements of judges and the sentences of juries. They presumably contributed to an unknowable number of violent assaults that were endured without official complaint and to the cases that were dismissed when female complainants failed to appear at the trial.³² Feelings of wifely or motherly betrayal were probably compounded by, and confused with, fear of retaliation and an awareness of the economic dilemma which the loss of a husband's earnings posed for women and their families. Many cases were settled out of court, and it is highly likely that women took recourse to the judicial system as a warning to their husbands and in an attempt to modify their behaviour rather than necessarily to secure convictions. But whatever difficulties hindered prosecution, and however ambivalently they interpreted their own actions, women in making formal complaints pronounced their judgements on what constituted excessive or intolerable mistreatment.³³

When William Baldry, a thirty-eight year old farmer from Preston, was convicted of the attempted murder of his wife in 1852, a dramatic appeal by his wife to the Queen followed, illustrating the contradictory responses often experienced by victims of assault. The case itself had focused on Mary Ann Baldry's inheritance of £350, bequeathed to her by her father four years earlier. The money was placed in the hands of trustees, though

³¹ *Bury and Norwich Post*, March 25, 1846.

³² 10% of all cases in London between 1850-1854 were dropped when women failed to appear in court. Tomes, 'A "Torrent of Abuse"', p. 333.

³³ D'Cruze makes the point that although domesticity did not have a shared meaning within middle-class and working-class cultures, the family and home was defined as the proper context for all women's lives. This gave them 'arguably their strongest platform to obtain support from the courts for their grievances, particularly where such grievances involved the violence of a husband or other male member of a household' (D'Cruze, *Crimes of Outrage*, pp. 64-65).

Mary Ann had given her husband two sums of £100 and £50. In December, 1851, William demanded more and expressed anger when his wife denied this request. At the time Mary Ann was ill with flu and confined to bed; her suspicions were aroused when she noticed that drinks prepared for her by her husband appeared milky, leaving a white sediment. Baldry's attempt to bribe his wife's doctor when she became sick failed, and the authorities were alerted.³⁴

Baldry's motive and strong circumstantial evidence pointed to a guilty verdict and the passing of the death sentence. This was not arrived at, however, before the defence had argued that Mary Ann's physical frailty had rendered her a trying and ineffectual wife. Mary Ann described herself as 'very nervous and delicate' and 'occasionally hysterical' since her marriage eleven years ago. The names of a succession of doctors who had attended her were detailed and Baldry's defending lawyer suggested that she had been 'for a long time incapable of rendering him the duties of a wife'. Mary Ann was portrayed, therefore, as unstable and deficient and William as her long-suffering husband, short-changed by their union: 'He was the husband of an ailing woman, a circumstance that would alienate the affections of some men'.³⁵

Despite the judge's strong recommendation to acquittal, Baldry was found guilty and his sentence was not respite until May 8 after his wife's intervention and a legal technicality was found to invalidate his arrest.³⁶ In her appeal to the Queen, Mary Ann claimed that in pressing for prosecution she had been unduly influenced by the advice of friends and

³⁴ *Bury and Norwich Post*, March 31, 1852.

³⁵ *Bury and Norwich Post*, March 31, 1852.

³⁶ It was argued that when cautioned the words 'will be used in evidence' rather than 'may be used in evidence' were used, thus invalidating Baldry's defence.

had never anticipated that her husband's death might be a consequence of it. She stressed the debilitating effects of her own inadequacies as a wife, claiming:

That your petitioner has been in an infirm state of health and that the agitation of the recent proceedings, the unhappy prisoner's approaching fate, and the reflection that your prisoner feels a strong conviction that a fatal result to the prisoner, must, within a very early period, bring with it the death of your petitioner. That your petitioner with great reluctance yielded to the solicitations of her friends to prosecute, and in the absolute belief that the extent of punishment that was awarded for the offence was transportation or imprisonment. That your petitioner could learn with more composure that the prisoner was doomed to a long period of transportation, even for the period of his life. That she may be saved, therefore, the misery of knowing that she has destroyed her husband.³⁷

The whole basis of this statement is female guilt, deeply ironic because it is expressed by a woman whose life, it appears, had been deliberately threatened by her husband a few months earlier. No doubts are expressed about her husband's culpability nor is her appeal founded on a sense of forgiveness or mercy; rather, Mary Ann's petition articulates the incompatibility of the feminine ideal of support and nurture with any initiative which might facilitate a husband's 'destruction', even though she had herself been placed in mortal danger by his premeditated actions. Within her own thinking, Mary Ann's position had shifted from victim to perpetrator if her husband's sentence was allowed to stand.

Unlike William Tebbenham, Isaac Frost and James Nunn, the violence employed by William Baldry against his wife had not been a spontaneous and candid outburst. Baldry had not beaten or stabbed his wife, he had not carelessly handled a pistol whilst in a drunken rage, but was found guilty of administering poison to her on at least two

³⁷ *Bury and Norwich Post*, April 7, 1852.

occasions with intent to murder. However, the associations of poison with sinister calculation, evil and a chilling callousness evoked by the female poisoner are absent in the representation of William Baldry's crime. The means by which he sought to inflict injury invite no special comment and are not ascribed devious or sinister motives. Indeed, Baldry's attentiveness to the needs of his frail wife up to her last illness is highlighted, suggesting that his criminal actions could be understood as uncharacteristic, the response of a persevering and caring husband finally alienated by his demanding wife. No such possibility was entertained for the poisoning wife whose covert methods almost always labelled her as unnatural and monstrous.³⁸

Mary Ann Baldry tried her husband's patience; her attempted murder, even by poisoning, could still be interpreted within the terms of challenged masculinity rather than a more fundamental violation of conjugal trust. Similarly, William Rollinson who was convicted of the murder of his daughter-in-law's sister in the same year by administering a large quantity of arsenic was represented not as a cold and calculating agent of destruction but as a 'feeble' and 'wretched old man'. The circumstances surrounding this case also suggest financial motivation, for, Rollinson who had been living with his widowed daughter-in-law, Mary, in Great Thurlow, feared the loss of the furniture in the house when she became acquainted with her present husband. The prosecution claimed that

³⁸ For a full analysis of the representation of poisoning women see Chapter 5. George Robb has calculated that of 1,000 spousal murders in the period 1830-1900, more than 90% were committed by men and most involved beatings and stabbings. 55% of wives who killed their husbands used poison as opposed to only 5% of husbands. In absolute numbers this represents 40 wives to 20 husbands tried for the murder of their partners. The popular image of the poisoner was, however, overwhelmingly female. See G. Robb, 'Circe in Crinoline: Domestic Poisonings in Victorian England', *Journal of Family History*, Vol. 22, No. 2, April 1997, pp. 176-190.

William adulterated Mary's trough of flour making her ill and killing her sister, Anne Cornell, who whilst attending her had made a mutton pudding with the flour.

In the reporting of his trial William Rollinson was defined as a man weakened by age and poverty, existing on parish relief and by gathering muck in the roads. Needing to be 'accommodated with a chair in the dock' he appeared 'in a state of great suffering and anxiety, his head hanging down throughout the trial'. Indeed, 'he was apparently unconscious of what was going on'. Rollinson's defence played heavily on his age and infirmity; he was 'trembling on the very verge of eternity', had a 'childish old man's mind' and was 'lying in the dock almost dead at the present moment'.³⁹ Such a condition was, therefore, hailed as inconsistent with any rational motive or malicious intent. It was even suggested that his senility may have resulted in the accidental contamination of the flour. After two hours deliberation Rollinson was found guilty but a representation to the secretary of state on account of his age was successful and the death sentence commuted. Clearly, the definition of the poisoner as premeditating, dispassionate and monstrous could have a gendered application. William Rollinson's crime, on the other hand, was understood yet again within a construction of impaired masculinity; in this particular case physical and mental frailty reducing his capacity for manly conduct.

Within the domestic context, therefore, men who committed acts of violent assault were all challenged, weakened or compromised in some way. They were men who failed to live up to masculine ideals but they were not fundamentally flawed or aberrations of their

³⁹ *Bury and Norwich Post*, March 31, 1852.

sex. Their deficiency was by degree and not in essence, shadings and graduations that were not so available for women. Men were, to some extent, shielded by their place within the domestic hierarchy, though a growing conflict between the companionate ideal and male privilege created tensions which were difficult to resolve. Their female victims, on the other hand, were represented as 'poor' and 'unfortunate', the casualties of exceptional circumstances or of a peculiar lapse, even as provoking or contributing to their own suffering. Mary Ann Baldry's poor health, it was argued, taxed her husband and lead to domestic deficiencies. Similarly, Richard Burrige who was convicted of stabbing his wife in 1848 with intent to commit grievous bodily harm was recommended to mercy on the grounds that his assault had been provoked by suspicions of sexual misconduct committed by his wife; in consequence he received a token sentence of three months imprisonment.⁴⁰

Moreover, evidence that suggested that assaulted women had themselves been drinking immediately altered the possibilities of successful prosecution against their male assailants. Hence, at the trial of Francis Flory in 1853 for the manslaughter of his wife attention focused on Susan Flory's drunkenness on the night of her death. She died from injuries sustained by blows to her head and was found 'dead and insensible' by her daughter the next day. Receiving a prison sentence of one year, Francis had been 'led away by his passions' but his wife's condition abrogated him from more major responsibility.⁴¹

⁴⁰ *Bury and Norwich Post*, August 8, 1848.

⁴¹ *Bury and Norwich Post*, March 23, 1853.

Similarly, in 1858 Robert Oliff, a publican at Icklingham, was acquitted of the manslaughter of his wife, Mary. The assault was witnessed by neighbours whose accounts of it at the trial were, again, crucial. John Gooch was grinding his scythe at the prisoner's house when, he recalled:

I saw Mrs Oliff in the hands of her husband. She came out of the house and he had hold of her by her neck. I saw him hit her once on the head with his hand. Several women got about him and begged him to let go, as he did. I saw her go away with some women.⁴²

Robert Oliff's drunken state was described by Gooch and other bystanders and although they also confirmed that Mary had not been drinking on this occasion, allusion to her recent drinking habit was identified as the root cause of domestic friction. Mary Ann Barker testified, for example, that:

Mrs Oliff complained of her husband about these blows. She had told me that her husband had had words with her about her drinking and I have also seen them quarrel about it. I never knew of their quarrelling till she took to drinking.⁴³

Mary Oliff's drinking was defined, therefore, by neighbours and by the jury as particularly provocative and as being at the heart of this case. If masculine performance was impaired by drink, drinking women were defined as pathological, their deviancy overriding unmanly behaviour. Ten days after the incident Mary died; a post mortem examination identified apoplexy as the cause of her death, resulting from blows or a fall. At the trial discussion focused on whether Mary's fatal injuries had been solely caused by her husband's violence. It was claimed that she 'suffered from the head' and that 'irregularity in courses' predisposed her to a particular weakness. According to witnesses, Mary had never herself ascribed her suffering to her husband's treatment of

⁴² *Bury and Norwich Post*, March 23, 1858.

⁴³ *Bury and Norwich Post*, March 23, 1858.

her. These statements and the significance attached to them highlight both the culture of violence which existed and the difficulties faced by women who wished to complain. Mary Oliff's behaviour was decisive to the outcome of this case but, despite his acquittal, Robert Oliff was left in no doubt that he had contravened the rules of masculine conduct. In concluding remarks he was reproached by the judge for being 'guilty of the unmanly outrage of striking a woman'. He continued:

I trust and hope the conclusion to which the Jury have arrived is a true one, and that you have not to reproach yourself with her death. At the same time it is impossible not to feel that your violence and your intemperate conduct to her may have accelerated, if not been the cause of it. At all events it was an act of an unmanly, cowardly kind, for which you ought to be ashamed for the rest of your life.⁴⁴

Here the judge's concern is informed primarily by disappointment in the failing husband rather than revulsion at the violence he had inflicted on his wife. Robert Oliff's eruption into 'unmanly behaviour' compromised the middle-class domestic ideal, which stressed the protected and secure status of women within the home. His strong words of censure, however, were tempered by Oliff's acquittal and the concession that had clearly been made to mitigating circumstances. By her unwomanly behaviour Mary had already forfeited some of her rights to patriarchal protection. At best women who were victims of domestic violence were represented in the reporting of the Assizes cases as 'poor' or 'unfortunate', but like Mary Oliff they might also be judged to be complicit in their misfortune. In either case, alcohol frequently offered a buffer between the violence itself and closer analysis of the underlying economic context and cultural expectations that contributed to sexual antagonism.

⁴⁴*Bury and Norwich Post*, March 23, 1858.

**'The worst of wives':
Female "victims" of male violence in the *New Newgate Calendar*.**

Unlike Maria Marten the names of Mary Oliff, Mary Ann Tebbenham and Mary Nunn are not to be found in popular fictional or 'factional' literature. Violence committed against married women in their own homes was both uncomfortable, endemic and mundane, and it did not carry the same salacious or titillating possibilities. In the *New Newgate Calendar*'s anthology of notorious criminal stories, for example, cases of domestic violence do not feature 'unfortunate' or tragic, female victims but disloyal, fickle and unfaithful wives who are represented as the authors of domestic disharmony. Victimhood, in this popular serial, therefore, shifts to the wronged and abused male who is provoked beyond all reasonable limits.

The *New Newgate Calendar* was first published in 6 volumes between 1826 and 1828 arising out of an earlier version, the *Newgate Calendar*, which originally appeared in 1773. Throughout the nineteenth century popular publishers produced numerous abridgements of the Calendars which recounted stories of contemporary and past, notorious crimes and trials. In the mid decades of the century various editions of the *New Newgate Calendar* forged part of a cultural movement, a flood of cheap literature responding to an increasing and widening demand for reading matter. Advances in printing technology, reductions in newspaper tax and paper duty contributed to the rapid growth of the popular, publishing industry between 1830 and 1860 leading to a 'low-cost, high speed dissemination of the printed word'.⁴⁵ The 1863-64 edition of the *New Newgate Calendar* communicated both through the printed word and pictorial

⁴⁵ P. Anderson, *The Printed Image and the Transformation of Popular Culture, 1790-1860*, Clarendon Press, 1991, pp. 1-2.

illustrations. It appealed to readers not only because it dealt in the sensational and the thrilling but also because it was highly stimulating visually. Full-page or three-quarter page illustrations were conspicuously positioned on the front pages. Bold, lurid and provocative images added to the interest of each instalment and were also intended to catch the eye of passing, potential buyers as they browsed or walked by the stands of booksellers. At a time when the public were hungry for new and varied sources of knowledge and entertainment, graphically illustrated publications had a particular appeal. Moreover, pictures could inform and amuse the illiterate and the semi-literate as well as the reading public, thus reaching a wider audience. As Patricia Anderson has observed, 'In the early and mid-nineteenth century the printed image more than the word represented a cultural break with the past, for it demanded neither formal education nor even basic literacy'.⁴⁶ Within this cultural climate the *New Newgate Calendar*, combining shocking and gripping "real life" crime stories with graphic, visual depictions of infamous characters and sensational events had hit on a winning formula. Published in penny-serial form, readers were left in suspense as each instalment of the most notorious stories ended at a climactic or crucial moment.

Few stories of domestic violence were featured in the *New Newgate Calendar* of 1863-64. Those that did involve the murder or assault of women by their partners focused sympathetically on the male perpetrators whose actions were defined as emanating from extreme provocation. The usual narrative was one of female deviancy leading to sexual jealousy and an inevitable eruption of violence driving events to a tragic but fitting conclusion. The criminal actions of the wronged men, therefore, were portrayed as just

⁴⁶ Anderson, *The Printed Image*, p. 3.

retribution, they were exceeded by the moral outrage committed by 'bad wives'. Impaired or challenged masculinity is not the focus of these stories; rather they warn of the utterly destructive implications of female deviancy. Significantly, in each case the place of violence is located outside of the home as the act of domestic violation has already been committed in the betrayal or inconstancy of the woman. As a result sexual antagonisms arising out of and within conjugal and family relationships are blurred, hidden and transformed by a particular narrative that privileges the fickleness and moral susceptibility of women.

On January 16, 1864, the *New Newgate Calendar* opened with the story of the murder of Miss Elizabeth Goodwin by her fiancé, George Townley, in 1862. George is described as an 'elegant scholar' of 'gentle manner and rare attainments', the favourite son of an ancient and honourable family. Elizabeth, on the other hand, was 'pretty, slightly accomplished, lively, quick-witted and wealthy', subsumed within a shallow world of gaieties and superficial pleasures and caring little for higher intellectual interests. She was 'young, giddy, thoughtless and vain' and it is these "feminine" failings which are to result in her downfall.⁴⁷ On falling in love with a clergyman she writes to George asking to be released from her engagement. Requesting to see her once more George stabs his faithless lover in a lane and as 'the lady was stiffening in death, he kissed her face repeatedly and mourned her fickleness'. George made no attempt to escape the consequences of his actions, openly declaring: 'She was false - false - false; and the woman who deceives me ceases to live'.⁴⁸ At his trial Townley's defence focused on a

⁴⁷ *The New Newgate Calendar*, No. 13, Vol. 1, 1864, p. 194.

⁴⁸ *New Newgate Calendar*, p. 195.



Figure 5
‘George Townley murdering his sweetheart in the lane’

plea of hereditary insanity; he was depicted as 'pale, thin and dejected', deprived of his senses and of reason. Although found guilty, his sentence was respited, the story dealing emotively with his victimhood, moral sensitivity and betrayal. Elizabeth Goodwin, on the other hand, was the author of her own fate.

The illustration that accompanies this narrative depicts Elizabeth as coquettish and in physical disarray (Fig. 5). The frippery of her hat and ribbons, her loose, flowing hair and her overly buffanted dress define her in terms of moral incoherence; she is a woman of flightiness. George, however, is a man of stature; his facial resolve and physical stance epitomise moral certainty, authority and strength. His hand drawn across his heart denotes heartbreak, humanity and morality; holding Elizabeth by the arm he stands above her, his splayed legs contributing to an image of potency and extraordinary stature. Although he is the instrument of her death she has already died; having caused a moral vacuum, her murderer merely finalised the moral outcome. In some ways this depiction of Townley as the epitome of moral certainty and resilience conflicts with the literary emphasis on his melancholy cast and dejectedness at the time of his trial. However, more than anything else the image serves to concrete the moral rectitude of his actions as a betrayed man even though they constituted a criminal offence. This is not a story about domestic tension but the male right to sexual loyalty and a moral warning to flippant, superficial and vain women.⁴⁹

⁴⁹ As a comparison see Lynda Nead's analysis of representations of femininity in Victorian high art, including 'fallen women'. Nead, *Myths of Sexuality: Representations of Women in Victorian Britain*, Blackwell, 1990.

Similarly, the *New Newgate Calendar's* retelling of the story of Henry Stent who was tried for the attempted murder of his wife in 1819, follows a theme of female, sexual betrayal and rightful, masculine recompense. It is 'a fearful instance of the effects produced by the abuse of friendship and the violation of the sacred duties of wedded life'.⁵⁰ Henry Stent, a 'respectable butcher' in Pimlico, had been married to his wife for 7 years, living in 'the greatest harmony and comfort' when she was seduced by a family friend with whom she eloped. Mrs Stent is defined as the wretched victim of a devious seducer who 'urged his illicit passion with unceasing violence' and deserted and robbed his pregnant wife and young family. The story in melodramatic convention is of the temporary triumph of vice over innocence and goodness. Before long, however, Mrs Stent, suffers a 'despairing consciousness of guilt' as she awakens to the realities of her situation, for:

The unnatural bonds of licentious attachment have[...]but a very weak hold either of the slaves or of the victims of its lawless influence, and Mrs Stent found full soon that she was fated to add to the list of dupes and outcasts.⁵¹

Mrs Stent's remorse leads her to return home 'to throw herself at the feet of her injured husband'. Having contacted him by letter from an inn in Liverpool, a location which in itself underscores her deviancy, Henry Stent rushes to meet his erring wife and subjects her to a frenzied and vicious attack in which she is 'dreadfully cut and mangled', her life saved only by the intervention of bystanders. Stent surrendered himself to the police and although found guilty of the crime a strong recommendation to mercy resulted in a commuted sentence of two years imprisonment.

⁵⁰ *New Newgate Calendar*, No. 8, Vol. 1, December 12 1863, p. 150.

⁵¹ *New Newgate Calendar*, No. 8, Vol. 1, December 12 1863, p. 150.



Figure 6
'The midnight elopement of Mrs Stent'

Despite Mrs Stent's victimhood at the hands of a ruthless seducer, her remorse and declarations of guilt, it is her husband who has been wounded and who is to be pitied. Within the story her culpability is self-acknowledged; even at the time of her assault she pronounces: 'I hope the law will not take hold of you; you are the best of husbands, and I am the worst of wives'.⁵² Indeed, Mrs Stent does not, herself, pursue prosecution; she is a constant visitor to her husband in prison and leads him in devotional exercises. A 'bad wife', Mrs Stent is portrayed as the chief agent of her husband's sufferings and his retributive act is necessary to restore some kind of moral equilibrium. Henry Stent is the abused rather than the abuser and his wounds are defined in terms that are rich in crude pathos. We are told, for example, that:

He had felt the desolation of his domestic fireside, he had known the want of the anxious attendant in those moments of worldly care from which no human being is exempt; he had vainly sought for repose, and had felt the mockery of his misfortunes in the domestic mementoes of his former happy days[...]With folded arms and quivering lips, how oft had he paced the streets at midnight, ruminating on his injuries and impotently panting for the power of vengeance.⁵³

Not only had his wife's betrayal wrecked the domestic sanctuary denying him the necessary comfort and strength to successfully participate in a harsh public world, she had also struck at his masculinity. Accompanying this story is a pictorial account of Mrs Stent's folly, the repercussions of which were her husband's tortured state and his furious attack on her (Fig. 6). As she furtively and foolishly leaves the moral anchoring and safety of her home the viewer can foresee the danger that she is so painfully unaware of. Mrs Stent is portrayed as naïve, a moral and spiritual imbecile propelling herself into temptation and sexual danger. Overhead on the shopfront the letters of her husband's

⁵² *New Newgate Calendar*, No. 8, Vol. 1, December 12 1863, p. 151.

⁵³ *New Newgate Calendar*, No. 8, Vol. 1, December 12 1863, p. 151.

name are written clearly and resolutely, in condemnation of the scene in the street below. Mrs Stent's lover lurks in a shadowy gully, his expression is dismissive, abusive and controlling, the stick symbolising his authority. In front of Mrs Stent a wooden stake phallically represents the sexual and moral danger she is so recklessly running towards. The whole image defines the crux of this case not to be Henry Stent's violent assault on his wife but her act of betrayal and foolishness, the true catalyst of all future consequences, of her own ruin as well as her husband's suffering.

As far as the *New Newgate Calendar* touched on the subject of domestic violence it described the social and moral disarray arising from female flippancy and vulnerability, making women prone to seduction and leading to the violation of the home. Unlike the newspapers which prided themselves on comprehensive, 'factual' reporting of contemporary court cases, popular fictional or 'factional' publications could choose their stories on the grounds of what was felt to be entertaining, exciting or edifying. It could more easily impose its own moral messages and at the same time avoid issues that were unsettling and uncomfortable. The *Bury and Norwich Post*, however, in its reporting of cases of male violence against women heard before the Suffolk Assizes, did not enjoy the same selectivity and licence. What it conveyed and confirmed was the legal interpretation of domestic conflict as rooted in temporarily impaired masculine conduct. More often than not women who suffered violence at the hands of their husbands were defined in terms of limited victimhood, 'unfortunate' women who bore the brunt of excessive drinking and occasional lapse. That popular fiction prioritised an alternative and more titillating story may be further evidence of how endemic yet perturbing conflict within the idealised home was felt to be. At the same time this literature captured an alternative anxiety by highlighting the moral susceptibility of women who strayed from

the safety of their domestic environment; their fate serving as a warning to all. Neither account acknowledged or explored, however, the particular conditions, expectations and tensions within the domestic sphere that underpinned sexual antagonism and were endemic in society in this period.

Chapter Four

‘The duty of everyone to suppress’: Representations of rape and sexual violence

The power of representation has been a key concept in the understanding of female victimhood within this study, never more so than in cases of rape and sexual assault. It is well documented that the treatment of rape within media and juridical discourses privileged the accounts of male defendants, judges and reporters, the voices of the victims often muted, carefully filtered by the legal and reporting processes. Clearly, who is allowed to speak matters, for those who speak are in a position to define. As Lynn Higgins and Brenda Silver have emphasised, ‘whether in the courts or the media, whether in art or criticism, who gets to tell the story and whose story counts as "truth" determine the definition of what rape is’.¹ Particularly instrumental in producing some of the central meanings of sexual violence has been the role of experts in the fields of law and medicine who through official discourses have claimed distinctive monopolies on truth. The relationship between these ‘regimes of knowledge’ and power is a crucial tenet of Foucault’s historical philosophy, in which power is conceived as both coercive and regulatory and productive of ‘knowledges and institutions, and of bodies, pleasures and desires’.² Pertinent to my own analysis, also, is his emphasis on the exercise of power rather than merely the possession of power; that is the mechanisms and strategies

¹ Lynn A. Higgins and Brenda R. Silver (eds.), *Rape and Representation*, Columbia University Press, 1991, p. 1.

² Frank Mort, *Dangerous Sexualities: Medico-Moral politics in England since 1830*, Routledge and Kegan Paul, 1987, p. 6.

by which it is exercised and negotiated within social relationships and processes, what Foucault termed its 'effects'.³

For, although the domination of rape narratives by masculine perspectives in particular discursive fields is an important fact it is, nevertheless, one which requires exploration and analysis as does the specific nature of those representations. Moreover, the prevalence of gaps and absences within texts requires critical attention and their reading must incorporate 'listening not only to who speaks and in what circumstances, but who does not speak and why'.⁴ This still does not, however, constitute the whole story, for as Garthine Walker has argued in her recent work on rape and sexual violence in early modern England, simply to focus on women's silence as historical actors and the ways in which the odds were stacked against them procuring successful prosecutions is to overlook the strategies they employed in their attempts to negotiate cultural conventions and restrictions.⁵ As Higgins and Silver point out:

This entails discerning where or how they break through the discourses that have circumscribed their perceptions of the causes and nature of sexual violation and contributed to what amounts to a cultural cover-up.⁶

Indeed, it may also involve their subordination or appropriation of moral, legal and sexual discourses to tell their own stories.

Rape within any context and historical setting is overwhelmingly the story of oppression and abuse, and the importance of re-reading the violence back into texts which have

³ For discussion of Foucault's theory of the knowledge/power relationship see: Michele Barrett, *The Politics of Truth: from Marx to Foucault*, Polity Press, 1991; Barry Smart, *Michel Foucault*, Routledge, 1985, Jeffrey Weeks, 'Foucault for Historians', in *History Workshop Journal*, No. 13, Spring 1982.

⁴ Higgins and Silver, *Rape and Representation*, p. 3.

⁵ Garthine Walker, 'Re-reading Rape and Sexual Violence in Early Modern England', *Gender and History*, Vol. 10, No. 1, April 1998, pp. 1-25.

ignored, sanitised or distorted the material and psychological realities of an experience which scars women both physically and emotionally, has rightly been emphasised by feminist historians. Indeed, as Shani D'Cruze has pointed out, without a political imperative or sensitivity, research into sexual violence risks becoming 'voyeuristic and exploitative'.⁷ This is not to imply, however, that rape is a transhistorical experience which carries with it an essential meaning; for, just as gender politics and its complex relationship to economic and social conditions and ideological preoccupations has varied from one society to another, so too has the meaning and representation of rape. As Higgins and Silver assert, 'the nature and degree of oppression will vary with the historical moment and, within that, the permutations of racial, class, gender and institutional relations of power'.⁸ Therefore, although the project of studying rape and sexual assault must be political if it is to empower and achieve depth of insight, similarly only an acknowledgement of the historical specificity of representations of rape at any particular time can proceed towards a nuanced reading of texts and our historical understanding of these experiences.

The figuration of the raped woman and the meaning of the event of rape are, therefore, subject to change, shaped by historically specific social constructions of the body, gender and sexual identity. Rape is not a biological function; for example, a consequence of innate, aggressive, male sexual urges in response to female provocation, but the product of 'a complex process which prompts particular men to interpret the meaning of their gender, sexuality, desire, and bodily impulses in order to act in this particularly violent

⁶ Higgins and Silver, *Rape and Representation*, p. 4.

⁷ See Shani D'Cruze, 'Approaching the History of Rape and Sexual Violence: notes towards research', *Women's History Review*, Vol. 1, No. 3, 1993, pp. 377-78.

way'.⁹ The ability to explore this process has been facilitated by the elaboration of the concept of 'sexual scripts'; these are historically and culturally varied, flexible and plural, and they are the means by which particular situations are understood and certain kinds of sexual behaviour are sanctioned or not sanctioned.¹⁰ D'Cruze suggests that, 'Scripts include moral prescriptions that define "normal" behaviour and yet allow "escape clauses" or neutralisations justifying behaviour in particular situations that may otherwise be seen as immoral'.¹¹ In the context of domestic violence, for example, it has been seen that the effects of drink or the judged failure of women to perform their wifely and domestic duties could neutralise violence that occurred within conjugal relationships. Dominant 'rape scripts' similarly enabled and interpreted this particular form of sexual violence, and the courts in which the cases were heard constituted a theatre in which femininity and masculinity were enacted, and the inner experience of the body was expressed and framed in relation to external 'regulatory ideals' of gender and sexual identity.¹²

The main focus of this chapter is the reporting in the *Bury and Norwich Post* of rape and sexual assault cases, which were heard before the Suffolk Assizes between 1830 and 1860. In this thirty year period this middle-class newspaper, which comprehensively

⁸ Higgins and Silver, *Rape and Representation*, p. 2. For further discussion of the transhistorical meaning of rape see also, Roy Porter, 'Rape - Does it have an Historical Meaning?' in, *Rape*, Sylvana Tomaselli and Roy Porter (eds.), Basil Blackwell, 1986, pp. 216-236.

⁹ Nancy Paxton, *Writing Under the Raj: Gender, Race, and Rape in the British Colonial Imagination, 1830-1947*, Rutgers University Press, 1999, p. 15.

¹⁰ This concept was originally developed by Stevi Jackson in her analysis of the possible motivations for rape in contemporary society (See Jackson, 'The social context of rape: sexual scripts and motivation', *Women's Studies International Quarterly* 1, 1978). It has also informed more recent historical scholarship; see S. D'Cruze, *Crimes of Outrage*; also N. Paxton, *Writing Under the Raj*. Paxton, for example, explores the predominance after 1857 of a particular rape script of white women threatened with rape by Indian men. These scripts, she argues, performed 'ideological and symbolic work' (p. 15.).

¹¹ D'Cruze, *Crimes of Outrage*, p. 23.

¹² This idea of the 'performativity of gender' has been elaborated by Judith Butler in *Bodies: On the Discursive Limits of Sex*, Routledge, 1993.

listed the business of the Assizes though dealt with individual cases in varying degrees of detail, highlighted 33 prosecutions for crimes of sexual violence (see Appendix 2). Immediately, issues of definition and statistical significance are raised, which impact upon our understanding of the stories that were told in court and subsequently reported.

Within nineteenth-century legal practice artificial distinctions were drawn between common and aggravated assault, which largely defined cases of domestic violence, and the sexual crime of rape, which was narrowly constituted in terms of enforced vaginal penetration. In reality, of course, much domestic conflict that erupted into violence was rooted in sexual antagonism and many cases of sexual assault also involved other forms of violence. Integral to the distinction, however, was the assumption that a married woman could not be raped, as rape was defined in terms of the violation of a husband's or father's sexual property.¹³ Indeed, the restricted legal and political identity of all women in this period highlights the inadequacies of legal definitions alone in explaining how rape was understood. For as Carole Pateman has documented, in the formulation of the 'social contract' that defined the modern state full rights of citizenship were denied to women, whilst the idea of a pre-existing and implicit 'sexual contract' continued to organise social relations between the sexes.¹⁴

In specific terms, however, the legal interpretation of rape in the nineteenth century derived from a confused legacy of definitions and redefinitions. Of lasting significance were the Statutes of Westminster in 1275 and 1285; these established rape as a capital

¹³ Until the early eighteenth century rape literally meant abduction, theft of another man's property, irrespective of intercourse having taken place. S D'Cruze, 'Approaching the History of Rape and Sexual Violence: notes towards research', *Women's History Review*, Vol. 1, No. 3, 1993, p. 388.

¹⁴ Carole Pateman, *The Sexual Contract*, Stanford University Press, 1988.

felony, which it was to remain until 1841.¹⁵ Throughout the period there existed competing legal definitions of what constituted ‘carnal knowledge’; rape was more difficult to prove at some times than at others and in all probability victims were unaware of which particular interpretation applied to them. Lord Hale’s legal definition of rape as vaginal penetration without consent but not necessarily involving emission was established in the late seventeenth century and continued until the late nineteenth. Again, the interpretation of ‘forcibly and against her will’ was subject to considerable discretion by the judge and jury and cases often hinged on whether they chose to believe the victim or the accused. This legal framework and its implementation provide another context for our understanding of the treatment of cases that were brought before the Suffolk Assizes.

Moreover, there can be no doubt that the 33 cases reported in the *Bury and Norwich Post* constitute a gross under-representation of the crimes of rape and sexual violence even as they were narrowly defined. Leaving aside those women who were too frightened to issue formal complaint, those who felt prohibited by the prospect of public shame and those who were not even mindful that a criminal act had been committed against them, the machinations of the legal process were acutely selective. Carolyn Conley’s study of Kent for the later period of 1859-1880 has revealed, for example, that

¹⁵ The Statutes of Westminster were primarily concerned with women of marriageable age and ignored children below the age of consent, which was established at 12. In 1576 a new legal offence was created – the unlawful and carnal knowledge of children, though this later legislation effectively set the age of consent at 10. Consequently, rape law was divided into two separate categories depending on the age of the victim, a confusion that persisted until the late nineteenth century and left 10-12 year olds particularly vulnerable. For a detailed discussion of the history of rape legislation see, J. B. Post, ‘Ravishment of Women and the Statutes of Westminster’, in J. H. Barker (ed.), *Legal Records and the Historian*, Royal Historical Society, 1978; also, A. E. Simpson, ‘Vulnerability and the age of female consent: legal innovation and its effect on prosecutions for rape in eighteenth century London’, in G. S. Rousseau and R. Porter (eds.), *Sexual Underworlds of the Enlightenment*, Manchester University Press, 1987.

only 21% of men accused of rape actually stood trial for that offence.¹⁶ Following accusation a defendant was initially required to appear before a magistrate who could pass verdict and sentence in the case of a minor charge, might dismiss the charge altogether or order the accused to stand trial. In Conley's study 26% of charges of rape and attempted rape heard by Kentish magistrates were either dismissed outright or heard as minor offences, such as common assault.¹⁷ The discretionary powers of magistrates exercising a summary jurisdiction were, therefore, a key filter of accusations of sexual violence throughout the nineteenth century. Moreover, rape cases which were passed to a Grand Jury for indictment could still be rejected as having 'no bill', or indicted for the lesser offence of attempted rape or indecent assault, charges which remained vague and undefined but carried lighter penalties. Until 1841 rape remained a capital offence and it is significant that of the 33 cases reported in the *Bury and Norwich Post* between 1830 and 1860, only 4 were located in the first decade, with 8 in the 1840's and 19 in the 1850's. The change in sentencing clearly had a slow but marked impact on the inclination of judges and juries to at least hear cases which no longer carried such serious consequences for defendants.

It is a telling point, however, that no depositions for rape cases in Suffolk in this period have survived; a testimony to the official desire to erase.¹⁸ Throughout the thirty years judges who presided over the business of the Assizes articulated their intense anxieties

¹⁶ Carolyn A Conley, 'Rape and Justice in Victorian England', *Victorian Studies*, 29/4, 1986, p. 521. See also Caroline A. Conley, *The Unwritten Law: Criminal Justice in Victorian Kent*, Oxford University Press, 1991.

¹⁷ As it was difficult for unsuccessful rape prosecutions to be followed by misdemeanour trial for attempted rape, both victims and magistrates had reason to prefer the lesser charge.

¹⁸ Anna Clark has observed that in the late-nineteenth century transcripts of London rape trials were no longer printed as they were considered a polluting influence on the public who read them. Clark, *Women's Silence, Men's Violence: Sexual Assault in England, 1770-1845*, Pandora, 1987, p. 75.

and extreme reluctance for the details of these cases to be publicly aired and disseminated. At the Summer Assizes in 1838 the judge, it is reported, lamented the number of rape and similar cases being heard on such a small circuit and urged the Grand Jury only to return bills against them if there was a likelihood of conviction. In his opinion, such cases could not be discussed in open court without 'a great serious evil being inflicted on society. The discussion of such cases was destructive to the morals of society'.¹⁹ Public exposure was deemed harmful because the 'evil' was considered to be morally infectious and socially contaminating. Three consecutive cases of rape heard before the Spring Assizes of 1857 were preceded by opening comments from the judge who referred to cases 'of a totally different class' where 'profligacy, personal impropriety and immorality go to the length of felony'. His avoidance of the term 'rape' is indicative of an imperative to deny or conceal the nature of such offences, of a deep disquiet, which leads him to describe 'the duty of everyone to suppress'. Adopting a language of moral defilement he warns against a fourth case being heard unless conviction is assured, asserting:

Great mischief is done by an inquiry; publicity is given to details that are offensive to the public ear, and outrageous to public morals. I do not put it as a question of taste - it is a question of sin or innocence: it is a question whether the public mind should be offended, not disgusted, but polluted by a statement of circumstances [...]²⁰

Here rape is defined in terms of sin, a moral transgression in a category of its own, to be differentiated from other offences. The reference to its polluting influence connects sexual misconduct with dirt and squalor, it is both a product and is productive of physical and spiritual corruption. Frank Mort's analysis of early Victorian reform movements has

¹⁹ *Bury and Norwich Post*, August 8, 1838.

²⁰ *Bury and Norwich Post*, March 31, 1857.

identified such a language of morality and pollution, terms which were loosely defined and widely applied, as part of a middle-class project of regulating and disciplining the poor. He suggests:

Morality at once referenced a series of codes and practices regulating individual conduct, and a range of protocols and procedures about the art of government. Immorality signified all the practices of working class life leading to ungovernable and disruptive behaviour: lack of individual self-reliance, ignorance, crime, the threat of political sedition and of course sexual impropriety.²¹

Although Mort's argument focuses primarily on middle-class descriptions of urban, working-class living and conduct, there are clear resonances with the language employed by the judges who presided over the Suffolk Assizes to describe the cases of sexual violence placed before their consideration. They were participating, it seems, in a wider discourse, which had distinctive class connotations and occupied a particular historical moment.

Greater flexibility in sentencing may have resulted in an increased number of cases reaching the courts but the anxieties such cases aroused prevailed. It may be significant, for example, that although the 1850's saw a steep rise in rape and sexual assault trials, the level of detailed reporting sharply declined. Whether this censorship was self-imposed by newspaper editors or strongly recommended by judges and lawyers is difficult to ascertain. It is possible that as rape trials became more common they excited less interest, though the remarks of judges suggest this not to be the case. At any rate, the difference in the reporting of the gang rape of Elizabeth Chapman in 1834, which was allocated 13" of column space, compares strikingly with the cases of Charlotte Alderton

²¹ Mort, *Dangerous Sexualities*, p. 37.

in 1851 and Elizabeth Mary in 1857, both of whom were also attacked and serially raped. The assault on Charlotte Alderton by three men was afforded only 1¼” of column space, whereas in the same newspaper a perjury case occupied 2½ columns. By the early 1850’s the reporting of rape and sexual assault cases in the *Bury and Norwich Post* routinely justified merely between 1-3” of the paper’s space. This does not necessarily infer, however, a declining preoccupation but possibly signals heightened anxiety and embarrassment, particularly as the reported incidents of rape and sexual violence represented a stark reminder of the tensions inherent within middle-class, masculine and patriarchal ideals.

In her work on the late eighteenth and first half of the nineteenth centuries, Anna Clark has argued that the treatment and representation of sexual violence was deeply implicated in developing class and gender relations. Whilst a middle-class ideology of separate spheres emphasised female chastity and sexual purity and was pursued as a means of regulating working-class behaviour, the treatment of rape victims as deviants, as ‘damaged property’, and the focus in trials on their moral character and sexual reputation disfigured the reality of women’s experiences and severely hampered their ability to speak. Clark describes the development of a ‘myth of rape as warning to women to behave’, as any loss of chastity could only reflect their own moral culpability however unfortunate the circumstances in which it had occurred.²²

²² Anna Clark, ‘Rape or Seduction? A Controversy over Sexual Violence in the Nineteenth Century’, in *The Sexual Dynamics of History: Men’s Power, Women’s Resistance*, Pluto Press, 1983, and Anna Clark, *Women’s Silence, Men’s Violence: Sexual Assault in England 1770-1845*, Pandora, 1987, p. 2.

Clark's emphasis on the appropriation of narratives of sexual danger to restrict women's activities and through a suppression of female sexuality to regulate working-class behaviour and maintain public order does not, however, account for the anxieties expressed within judicial proceedings and the reticence of middle-class newspaper reporting. The reluctance to hear cases and to allow detailed coverage of trials may have silenced women as victims but it also limited the effectiveness of sexual violence as a warning. If anything, sexual violence may have been viewed as a threat to middle-class ideals, an uncomfortable reminder that chivalrous notions of manhood were constantly under pressure and came into inevitable conflict with notions of a 'naturally' aggressive, male, sexual impulse. The highlighting of female sexual promiscuity and moral incontinence may partly have acted, therefore, as a deflection from masculine shortcomings and emerging tensions within domestic ideology, a means of evading problematic contradictions.

By the middle decades of the nineteenth century it was medical men who claimed expertise and knowledge in the field of sexuality. Theorists such as Acton constructed a single sexuality for men, which was premised on the male sexual urge as an instinctual force; active, aggressive and spontaneous.²³ Doctors advocated supervision and restraint of these impulses; the belief in a fixed quantity of sperm and in the debilitating effects of its ejaculation on men's energies made it both a valuable resource and one to be expended wisely. In his work on sexuality in nineteenth-century America G. J. Barker-Benfield has identified a 'spermatic economy' for, he argues, 'men believed their

²³ In 1857 Acton published *Functions and Disorders of the Reproductive Organs in Youth, in Adult Age, and in Advanced Life: Considered in Their Physiological, Social, and Moral Relations*. He claimed that the sexual activity of women was motivated by motherhood alone, whereas men were propelled by natural desire.

expenditure of sperm had to be governed according to an economic principle'.²⁴ However, whilst male sexual continence was medically encouraged doctors simultaneously reiterated the view that the strength of the 'innate', male urge, particularly in the working classes, militated against restraint in practice. This tension is present in Acton's writing and underpins his later support of the state regulation and sanitisation of prostitutes through the Contagious Diseases Acts.²⁵

If sexuality was singularly defined in men as a potent and essential expression of their physiology, the developing 'science' of sex constructed polarisations of normal and abnormal, pure and impure femininity. The trend towards a norm of female passionlessness and an overwhelming emphasis on domestic and maternal functions became synonymous with female respectability and was defined against an alternative image of the sexual excesses of poor, working-class women. Whereas sexual activity in men was defined as an attribute of masculinity, sexual women came to be seen as deviant and pathological.²⁶ The organisation of female sexual identity around the virgin/whore dichotomy was both class specific and embedded in the problematic implications of the

²⁴ G. J. Barker-Benfield, *The Horrors of the Half-Known Life: Male Attitudes Toward Women and Sexuality in Nineteenth Century America*, Harper and Row, 1976, p. 181. Warnings against masturbation because of its perceived, draining effects on men's physical and mental powers were central to management of the 'spermatic economy'. At the same time doctors such as Acton warned of the detrimental effects of a lack of sexual outlet on men.

²⁵ For analyses of prostitution and sexuality see: J. Walkowitz, *Prostitution and Victorian Society: Women, class and the state*, Cambridge University Press, 1980; Susan Kingsley Kent, *Sex and Suffrage in Britain, 1860-1914*, Routledge, 1995.

²⁶ See Sander Gilman, *Difference and Pathology: Stereotypes of Sexuality, Race and Madness*, Cornell University Press, 1985. For further, detailed discussion of the construction of female sexuality in this period see Ludmilla Jordanova, *Sexual Visions: Images of Gender in Science and Medicine Between the Eighteenth and Twentieth centuries*, Harvester Wheatsheaf, 1989; Ornella Moscucci, *The Science of Women: Gynaecology and Gender in England 1800-1929*, Cambridge University Press, 1990; Cynthia E. Russett, *Sexual Science: the Victorian Construction of Womanhood*, Harvard University Press, 1991; Michael Mason, *The Making of Victorian Sexual Attitudes*, Oxford University Press, 1995.

definition of male sexuality for the domestic ideology. As Susan Kingsley Kent has argued:

Masculinity and male sexuality rested on the twin pillars of motherhood and prostitution. For at a time when masturbation was perceived to be the agent of a whole slew of physical and mental pathologies, the only recourse for men in a society that separated maternity from sexuality was the creation of another class of women, exclusively for the gratification of male sexual desires.²⁷

The constructions of male and female sexuality, therefore, situated within the wider framework of middle-class gender ideals had a significant impact on the treatment of women who brought their grievances before the courts. These women stood to have their own sexual characters and moral conduct scrutinised whilst the ‘unmanly conduct’ of the perpetrators of sexual violence met with an uneasy but ambivalent response.

**‘Unmanly’ men and ‘imprudent’ women:
The Suffolk Assizes, 1830-60**

Female character and sexual behaviour is a persistent theme in the *Bury and Norwich Post's* reporting of rape and assault cases between 1830 and 1860 reflecting this preoccupation within legal proceedings. Indeed, rape victims through their defilement and the articulation of their experience necessarily became tainted and soiled as women; for as Anna Clark points out, ‘a pure woman could not speak on sexual matters, therefore, she could not protest against rape’.²⁸ What women could know and should know, and how they could speak their knowledge, was heavily circumscribed. Susan Well’s unsuccessful prosecution of her former brother-in-law for rape in 1832 hinged, therefore, not on whether the assault had taken place - there is, indeed, no dispute of

²⁷ Kingsley Kent, *Sex and Suffrage in Britain*, p. 62.

²⁸ Clark, *Women’s Silence, Men’s Violence*, p. 2.

this - but on her self-exposure to physical and moral hazard by what was deemed her careless and abandoned behaviour. On the night that the offence was committed, seventeen year old Susan had been to Gurlestan Fair, she had visited nearby public houses with her parents and friends and had accepted the invitation of James Fox, who was no stranger to her, to accompany him to his father's house as it was now late and 'her father was very strict and she dare not go home till he was gone to work'. In a lonely lane he raped her 'in spite of her resistance to the utmost of her strength'. On the basis of these circumstances:

The learned judge told the jury they must have strong evidence indeed to justify them in finding a verdict of guilty when so much imprudence at least had been admitted by the prosecutrix as her leaving a public house at three in the morning to go home with a drunken man, the consequences of which she might easily have anticipated.²⁹

If Susan Wells was defined as imprudent and promiscuous in her social habits, Elizabeth Chapman, raped in a barn yard at Framlingham by four men in 1834, had to establish her former good character before a conviction could be secured, despite the strong evidence of witnesses to her ordeal. Described as 'simple-minded' but moral by the matron of the workhouse where Elizabeth resided, the judge in his summing up suggested that acquittal or conviction rested on whether the jury believed Chapman consented 'or whether they thought the prisoners had taken advantage of her mental imbecility', again placing the woman's character at the heart of the judgement.³⁰ Robert Hazel's acquittal of the rape of 12 year old Eliza Roe in 1840, despite strong medical evidence against the prisoner, was secured because 'the expressions of the girl, young as she was, indicated too much

²⁹ *Bury and Norwich Post*, August 1, 1832.

³⁰ *Bury and Norwich Post*, July 30, 1834.

familiarity with the subject'.³¹ Ironically, Mary Maria Bennett Phillip's testimony against her father in 1858 was doubted because she 'hesitated so much'.³² Prisoners presenting their own evidence and defence also recognised the advantage of calling into question the woman's sexual character. In 1852 John Fuller, indicted for 'feloniously ravishing' Frances Woods, claimed suggestively that she had been acquainted with both married and single men and acknowledged, 'I know I have done wrong, but I should not have done it had she not tempted me'.³³ Intimations of female seduction such as this suggested a flouting of the sexually passive ideal, and as Susan Edwards has observed:

While women were considered by statute to be quite incapable of committing a sexual offence, as victims of sexual assault they have been seen as precipitating or in some way contributing to its commission.³⁴

This sense of female, moral and sexual irresponsibility and reproachability evoked an alternative possibility of deviant, female sexuality.

In some cases, the undermining of sexual reputation was accompanied by accusations of conspiracy and extortion. William Meen was found guilty of 'feloniously assaulting' Mary Ann Huron in 1854 and Albert Garrod of aiding and abetting him; they were sentenced to 15 years transportation and two months hard labour respectively. Although in this case a successful prosecution was secured, the energies of their defence were directed towards establishing that Mary Ann Huron had attempted to extort money by threat of prosecution. Thus, it was argued that:

It was impossible that a woman who was so abandoned as voluntarily to have openly consented to the embraces of one of the prisoners in the public road in the presence of the other should

³¹ *Bury and Norwich Post*, April 1, 1840.

³² *Bury and Norwich Post*, March 23, 1858.

³³ *Bury and Norwich Post*, August 4, 1852.

³⁴ Susan S. Edwards, *Female Sexuality and the Law*, Martin Robertson, Oxford 1981, p. 50.

instantly, without deliberation and acting on the impulse of her indignation fly to alarm the first man she met, who happily was her master, and to complain of the brutal outrage.³⁵

Accusations of blackmail were yet another strategy by which the character of the complainant could be made the focus of legal attention.

Women who brought prosecutions for rape and attempted rape must, therefore, have expected their motives to be probed and their characters questioned. Underlying their treatment lay the assumption that the rape of an adult woman was not possible, except in the most extreme of circumstances. This assumption, together with the notions that conception was evidence of consent and that a woman's credibility was inextricably linked to her chastity, were encouraged by the science of medical jurisprudence, which developed in the early-nineteenth century and considerably influenced the responses of officers, magistrates and judges towards rape allegations. These 'orthodoxies' were then compounded by further advances in medical jurisprudence in the second half of the century, which placed increasing emphasis on corroborative evidence in rape cases. Increasingly, only proof of violence to the genito-vaginal area was considered valid.³⁶ Hence, the testimonies of witnesses became crucial to establishing guilt of a crime which, more often than not, was committed well away from any public gaze and marks of physical resistance were demanded for cases to achieve credibility, though neither carried any guarantee of conviction. Nineteenth-century empiricism demanded, at the very least, physical signs on the body or a third party witness; the eyes and words of the victim were never enough. In 1844 the *Times* carried an article entitled 'A Good Hint', presumably directed at its female readership, which quoted the opinions of a Lancashire judge on the

³⁵ *Supplement to the Bury and Norwich Post*, August 9, 1854.

³⁶ Edwards, *Female Sexuality and the Law*, pp. 121-126.

reason for so many unsuccessful rape prosecutions. Blind to, or deliberately disregarding, the force, fear and intimidation that surrounds sexual violence he ignorantly suggested that fewer cases would arise if women put up a better fight, asserting that:

The parties attacked were justified in adopting every means at their disposal, they might employ the weapons which nature had given them, and claw, bite or even put the man's eyes out, for the purpose of protecting themselves from his violence. The great difficulty was, owing to the nature of such injuries, in making such a matter public. But the elder women might teach the younger, that in case of such attacks, the best course to adopt was to fly at the face of the party and use their nails with the utmost degree of violence.³⁷

In defence of her chastity a woman was thus urged to forsake any "natural" passivity. The references to 'clawing' and 'biting', to gouging out her attacker's eyes, suggest an aggressive, animalistic response which she was obliged to make before any crime against her could even be considered. Onus was placed on the woman to protect her virtue; as her most precious asset it was inconceivable that she could not preserve it by deploying her maximum resources. The nature of the threat demanded that it be met by an exceptional effort. If all else failed a truly virtuous woman would forfeit her life. Hence in the case of Ann Steggall, who was assaulted by William Bradley at Finborough in 1849, a minimal gaol sentence of six months reflected the jury's concern that there had been inadequate resistance. Failing to recognise the contradictions in his own statement, the judge in his summary comments concluded that:

Although there had no doubt been a most violent assault, he was not satisfied that she was not partly a consenting party, for where a woman was determined to preserve her chastity there would be a mortal struggle.³⁸

³⁷ *Times*, December 28, 1844.

³⁸ *Bury and Norwich Post*, March 28, 1849.

By essentially denying that a mature woman could be raped, male responsibility and culpability could be evaded or shielded. Charlotte Watling's unsuccessful prosecution of Frederick Gooch in 1843 illustrates the power of this assumption. A domestic servant at the Maypole Inn, Charlotte described how she was attacked and raped by Gooch, a soldier, whilst she was on an errand to fetch a newspaper. It was reported that he met her and 'forcibly carried her through a gate into a field, and with great violence committed the crime'. Gooch was acquitted, but only after six hours deliberation; crucially, his defence focused not on his committal or non-committal of the act, but on whether Charlotte had offered sufficient resistance. It was established that she had kept the newspaper in her hand during the whole 'transaction' and this, it was claimed, was inconsistent with force having been used against her. It was also argued that she could not have been forced through the field wicket had she resisted her assailant.³⁹ In other cases medical evidence of the injuries sustained by sexual assault victims played a key role in legal judgements. Thus, at the trial of John Fuller for the rape of Frances Woods in 1852, 'medical testimony was not of the opinion that adequate resistance was always to be inferred from the appearance on the person of a female who had been ravished'.⁴⁰ Similarly, despite the complete credibility of thirteen year old Henrietta Ship's testimony in 1838, which was 'in no way shaken by cross-examination', the offence committed against her was reduced to 'gross assault' rather than 'ravishment' on the testimony of the surgeon who claimed that there was insufficient evidence to establish the completion of a capital offence.⁴¹ As Conley's study has also shown, courts were most sympathetic

³⁹ *Bury and Norwich Post*, April 5, 1843.

⁴⁰ *Bury and Norwich Post*, August 4, 1852.

⁴¹ *Bury and Norwich Post*, August 8, 1838.

when women sustained serious and lasting physical injury, thus defining rape in specific bodily terms and denying psychological and emotional damage.⁴²

Legal and medical discourses defined rape in such a way as to construct a variety of obstacles to successful prosecution; these revolved mainly around the character and integrity of female complainants. However, the comments addressed to male defendants by judges and the representation of their actions by defence lawyers, suggest a concern to mitigate or screen rather than to deny culpability. Expressions of leniency in sentencing, recommendations to mercy, accommodation of extenuating factors and concessions to youth, old age, intoxication, or 'weakness of mind' were often accompanied by warnings which betray an unease and irritation with the behaviour of these men. Essentially, however, the protection of men who committed rape perpetuated a sexual system that tolerated the abuse of women; it also, I believe, demonstrates anxieties about middle-class ideals of manhood. The waiving of responsibility is, therefore, linked to a fear of compromised masculinity highlighting the tension between the notion of chivalry and the construction of male sexuality. It is significant, for example, that although the reporting of the trial of Henry Howe, Charles Elliston and Edward Steward for 'violently and feloniously assaulting' Charlotte Alderton in 1851 is minimal, the newspaper does quote the judge's remark that the case exhibited 'the most unmanly brutality he had ever heard detailed in court'.⁴³

⁴² Force and fear were not incorporated into the statutory definition of rape until the late-nineteenth century.

⁴³ *Bury and Norwich Post*, April 9, 1851.

Concessions to weakened or compromised masculinity are consistently highlighted in the *Bury and Norwich Post's* reporting of rape and sexual assault cases. George Moor, Daniel Watson and William Jessop who were convicted of the rape of Elizabeth Chapman in 1834 received a recommendation to mercy on the grounds that a fourth assailant who escaped led them on.⁴⁴ James Fox, acquitted of the rape of Sarah Wells in 1832 was told that 'he stood in a very disgraceful situation, having taken advantage of one much younger than himself and who, from her relationship, might have reasonably looked to him for protection'. Evidence that the prisoner was 'very much fuddled' and 'very tipsy', however, offered an opportunity to excuse his conduct. Ironically, Sarah Well's admission that she had frequented two public houses served to undermine her character as a woman and therefore the reliability of her testimony, despite her insistence that 'she did not drink much beer and was not at all affected by it'.⁴⁵ William Stimpson, found guilty of luring a child under 10 into a cellar and raping her in 1840, had his life spared after a memorial was signed by 85 people - 'among them magistrates and highly respectable persons of Beccles praying the merciful consideration of his sentence'. Character witnesses suggested that Stimpson was of 'weak intelligence' and therefore not entirely responsible for his crime.⁴⁶ Thomas Stone, Frederick Jones and Joshua Hempstead were all found guilty of sexual assault offences in cases tried between 1859-1860; in all three cases concessions were made to their youth.⁴⁷ No such concessions were made in arson cases in which, throughout the 1840's and 50's, unremittingly harsh sentences, usually of lengthy periods of transportation, were imposed on young and old

⁴⁴ *Bury and Norwich Post*, July 30, 1834.

⁴⁵ *Bury and Norwich Post*, August 1, 1832.

⁴⁶ *Bury and Norwich Post*, April 1, 1840.

⁴⁷ *Bury and Norwich Post*, March 29, 1859, August 9, 1859, March 27, 1860.

alike.⁴⁸ In contrast sixteen-year-old Thomas Stone was sentenced to a mere two years hard labour for the rape of Emma Smith-Bildeston, a child of 10-12. Significantly, though, as he passed this sentence the judge expressed his hope that during the term of his imprisonment 'the time allowed for reflection would induce him when he came into the world again, to act as a man should do'.⁴⁹

The responses of judges and juries towards men who perpetrated acts of sexual violence against women were ambivalent, invoking male chivalry at the same time as conceding to a notion of masculine susceptibility predicated upon the idea of a 'natural', male, sexual aggression. This tension challenges Clark's thesis that in the period of the Industrial Revolution a redefinition of middle-class respectability rejected the concept of 'libertine' manhood in which violence was regarded as a technique of seduction, in favour of a new ideal of masculinity defined around the protection of women.⁵⁰ It is more likely that these ideas coexisted uneasily and that sexual violence was tolerated so long as it remained within certain perimeters and outside of the public eye. Moreover, contradictions within middle-class ideology must be located alongside competing patterns of working-class respectability. Amongst the 'improving' working classes an ordered home life and the eschewal of drink and sexual license was a hallmark of masculinity whilst hard drinking and the right to physically enforce patriarchal authority remained intrinsic to working-class definitions of masculinity more generally, as evidenced by the community toleration of marital conflict.⁵¹ In the courtroom working

⁴⁸ For example, in 1844-45 a 17 year old labourer, a 35 year old carpenter and an eleven year old boy were sentenced to transportation for life, 20 years and 15 years transportation respectively for crimes of arson. These sentences were typical for acts of incendiarism in the mid nineteenth century.

⁴⁹ *Bury and Norwich Post*, March 29, 1859.

⁵⁰ Clark, *Women's Silence, Men's Violence*.

⁵¹ For an analysis of working-class responses to domestic violence see chapter 3.

class women sought to defend their reputations; this involved their collusion in a dominant project of disciplining working class masculinity. But it was a precarious business; by speaking their experiences they placed their own reputations at further risk and participated in a discourse on masculinity, which was far from clear cut.

Whether acquitted or found guilty, the language of the courtroom and its reporting betrayed a sense of male guilt however it was disguised, excused or was left unpunished. This derived both from the narratives of the women themselves, their very existence articulated the transgression of what they considered to be the limits of acceptable behaviour, and from the legal response and its reporting. In an extraordinary statement, which acknowledged the committing of the crime of rape against Fanny Wiseman by John Halls in 1857, the judge offered the following remarks to the prosecutrix as compensation or vindication:

His Lordship in this case suggested that if the jury should, under circumstances of doubt as to the prisoner being the offending party, return a verdict of not guilty, they should in justice to the prosecutrix state that they had no doubt that an outrage was committed, but that she was in such a state of mind as not to be able to give other than a confused account of the transaction⁵²

Hall was subsequently acquitted; clearly, no 'concessions' were made to the traumatic effect of such an assault on this woman or to the further ordeal of describing it in a crowded courtroom. Whether or not the judge's admission of the crime offered any recompense to Fanny Wiseman in terms of salvaging her reputation is impossible to surmise.

⁵² *Bury and Norwich Post*, March 31, 1857.

The reporting of James Waddell's case in 1838 is also suffused with a language of guilt. Accused of raping 13 year old Henrietta Shipp, the case against Waddell was reduced to misdemeanour on the grounds that there was insufficient medical evidence to sustain the capital offence. We are told that:

The jury immediately found the prisoner guilty of a gross assault, and the judge, in a very feeling language, addressed the prisoner on the enormity of his offence, telling him that he might consider himself extremely fortunate that he had escaped the awful penalty of death; he advised him the moment he left the court, to fall down upon his knees and thank God for his merciful deliverance.⁵³

Waddell was 'fortunate', he had 'escaped' and had been mercifully delivered; he is not represented here as innocent, rather as lucky, having been dealt with leniently. The ambiguity and flexibility of the law, the employment of what might be described as a technicality secured for him a much lighter sentence, though the judge's remarks contain a distinct warning and amount to a full acknowledgement of his guilt. Such warnings and remarks, however, could only have offered limited consolation to the victims of sexual violence.

If, as it seems, male responsibility in these cases was neither addressed in the sentencing nor made a main focus of evidence, merely sidelined to the closing remarks of judges or subsumed within the concessions and extenuating circumstances allowed to impaired masculinity, it needs to be asked whether women had anything to gain from bringing their cases. To compound the ordeal of their assault the imperative lay with them in court to prove their innocence as they stood to have their characters interrogated and their stories silenced or misappropriated. It is, of course, difficult to know what women who

⁵³ *Bury and Norwich Post*, August 8, 1838.

pressed charges anticipated or even wanted as the outcome of their action. In his work on rape prosecutions in eighteenth and early-nineteenth century London, Antony Simpson suggests that rape victims used the criminal courts 'as part of an informal process of negotiation, intended more to bring the victim an acknowledgement of injury than to bring profit or the dubious satisfaction of seeing a conviction obtained'. Indeed, he argues women whose cases were settled by public apology and perhaps a small amount of financial compensation obtained either through the magistrates courts or privately negotiated may have been better off than the few whose cases came to trial where only the 'most hopeful could have expected fair, to say nothing of sympathetic, treatment'.⁵⁴ Certainly, the evidence of silencing is plain to see but not always straightforward to interpret. In their various ways, judges, jurists and journalists conspired 'in the duty of everyone to suppress'. With the increase in cases after rape ceased to be a capital offence, reports in the *Bury and Norwich Post* often closed the door on the public eye with the phrase, 'the details were unfit for publication'. Sometimes the silencing was as crude and abrupt as the jury cutting short a cross-examination, as in the case of George Moody, who was indicted for assaulting Harriet Gooden at Higham in 1850. Harriet's defence was interrupted by the foreman who, just as she began to detail the crime, declared: 'the jury think you have put questions enough; we are tired of it'.⁵⁵ Protection, concealment, embarrassment and fear of public contamination probably all featured in this response.

⁵⁴ Antony E. Simpson, 'The "Blackmail Myth" and the Prosecution of Rape and its Attempt in Eighteenth-Century London: The Creation of a Legal Tradition', *The Journal of Criminal Law and Criminology*, Vol. 77, No. 1, 1986, pp. 116-118.

⁵⁵ *Bury and Norwich Post*, April 3, 1860.

The use of euphemisms in rape narratives and the avoidance of detailed accounts of offences also contributed to a project of silencing. Reference was frequently made to 'the offence' but more explicit details were often omitted from the newspaper reporting of assizes trials. For example, a bracketed statement - 'the witness described the outrage' was all the *Bury and Norwich Post* was prepared to convey of Ann Steggall's assault. Terms such as 'gross outrage', 'felonious assault' and 'aggravated assault' repeatedly desexualised these crimes. In telling their stories to the courts women also alluded to, rather than explicitly related, their experiences. Frances Woods testified that her assailant 'effected his purpose'; Elizabeth Chapman that 'the offence was committed in the barn yard by all four men'. In her work on the early modern period, Miranda Chaytor has suggested that these gaps in the detailing of offences constituted repression or displacement, strategies for dealing with painful and traumatic experiences; she has emphasised, therefore, the importance of restoring sexual violence to these accounts.⁵⁶ Whilst this is undoubtedly a crucial project if the study of rape is to have real purpose it is possible, as Garthine Walker has argued, that the evasive or understated language employed by rape victims signified their most effective negotiation of cultural restrictions. As Walker points out, 'If women spoke their sexual knowledge they would speak their own complicity',⁵⁷ a statement which would certainly apply to the nineteenth century, when ideals of femininity were constructed around chastity and sexual ignorance. Essentially, Walker's argument is that those women who told or were allowed to tell their stories had some, albeit limited, options. She reminds us that 'even patriarchal discourses are not the sole domain of men', and that women 'appropriated

⁵⁶ Miranda Chaytor, 'Husband(ry): Narratives of Rape in the Seventeenth Century', *Gender and History*, 7, 1995, pp. 378-407.

⁵⁷ Walker, 'Rereading Rape and Sexual Violence', p. 7.

languages of sexual intercourse, of violence and of law'. The case for agency in rape narratives should certainly not be over-stated, but it does make the crucial difference of reading legal and media discourses as multi-dimensional, through which women also sought to represent their own experiences. As Walker points out:

In rape itself, a woman's agency was annihilated. Her agency to act and to speak after a rape was heavily circumscribed[...]but in choosing to tell her story, in deciding where to tell it, in describing it in one way and not another, a woman resisted annihilation.⁵⁸

When Elizabeth Chapman pursued a prosecution for rape against three men in 1834, a fourth assailant having absconded, she had no reason to feel confident about the outcome. Indeed, ten or eleven years previously she had unsuccessfully charged two men with 'behaving rudely' to her. In the reporting of the later case, Elizabeth was described as 'a plain looking woman, 25 years old, with a defect in her speech such as frequently accompanies imbecility of mind'. She lived in the workhouse in Dennington and on the day of her attack was accompanying the matron, Mrs Muddock, and four young children to Framlingham. The assault took place when Elizabeth became separated from Mrs Muddock, who had been detained on business.

Elizabeth Chapman was poor and categorised as simple-minded; she was presumably uneducated and inarticulate; she had very little power within society, yet chose to tell her story in court. Her cross-examination lasted for two hours. Although explicit use of sexual language to describe the details of the violence she was subjected to is missing from the account, the horror and brutality of her attack is nevertheless conveyed. On

⁵⁸ Walker, 'Rereading Rape and Sexual Violence', p. 19.

crossing the Castle Park at the upper gate with the four workhouse children, she first saw her attackers. The children went through the gate first but as she followed them:

Dickerson assaulted and committed a gross insult upon her; she was thrown down, and after she got up again, dragged by Dickerson, the prisoners at the bar shoving behind her, to the lower gate, across two meadows into a barn yard; she sunk down 5 times on the way and was so much frightened that she could not tell what was done to her; the offence was committed in the barn yard by all four men.

The reporting of Elizabeth's evidence continues:

She said the prisoners hid themselves whilst Dickerson committed the offence; when Dickerson left her, Moor came; and when Moor left her, Jessop came, she remaining against the haulm wall during the intervals.⁵⁹

This narrative, it must be remembered, was not unmediated; its reporting would have involved selectivity and possibly intervention, calling into question the exact ownership of the account. Nevertheless, journalists of this period prided themselves on their ability to report the "facts" and often employed shorthand-writing skills. When they wished to censor the details of cases they did so, often with the phrase 'the details were unfit for publication'. Therefore, even if Elizabeth Chapman must share authorship of this account of her assault, it should not be assumed that it does not also contain elements of her own story in the language in which she chose to express it.

The particularly brutal, physical and psychological ordeal suffered by Elizabeth Chapman is conveyed in her testimony despite the use of euphemisms and the specific avoidance of sexual language. The words 'thrown down', 'dragged', 'shoving' speak of the aggression and violence used against her and serve to describe the whole of her experience, including the sexual acts. Moreover, Elizabeth's terror and emotional

⁵⁹ *Bury and Norwich Post*, July 30, 1834.

injuries are highlighted in her comment that she was 'so much frightened that she could not tell what was done to her', thus defining rape not just in terms of particular injuries to the body as medical and legal discourses were prone to do. Her admission to not crying out and not struggling also speaks volumes for the sheer terror of her experience, though it may, of course, have been read differently at the time. The report describes how:

On being questioned whether she made any resistance she said 'I made none' and in reply to other questions said 'I did nothing', 'I said nothing', 'I held my tongue'.⁶⁰

Within rape narratives it should not be assumed, therefore, that the women who brought cases were completely silenced, though it must also be acknowledged that some women could exercise a greater voice than others could. Women who were raped by strangers in public places were more likely to be listened to and their experiences defined as brutal acts of violence perpetrated against respectable women. However, as Conley has commented, 'once inside the master's house the rules changed'.⁶¹ Domestic servants who charged their employers received short shrift and rape within marriage was considered a contradiction in terms, for a husband could not be found guilty of enforcing his conjugal 'rights'. The credibility of rape victims was seriously questioned if they knew or bore any relation to their attackers, or technicalities were invoked to secure a lesser charge.

Of the 33 cases reported in the *Bury and Norwich Post* between 1830 and 1860 only 5 involved charges against a family member. Roy Porter has argued that rape was

⁶⁰ *Bury and Norwich Post*, July 30, 1834.

⁶¹ Conley, 'Rape and Justice in England', p. 526.

predominantly committed by men 'not yet absorbed into patriarchy', often younger men who were yet to assume the role of husband or father; he suggests that they were 'the waste of patriarchy', 'its wayward sons not its shock troops', 'a diseased excrescence'.⁶² This marginalisation or confinement of rape to a deviant minority constitutes a misinterpretation of what the evidence of rape actually tells us. It obscures the particular dilemma that confronted women who were abused within the family or by those whom they knew. Even if they believed they had some recourse to legal redress in the first place, the reporting of offences committed against them and the pursuit of prosecutions were economically and socially risky to say nothing of personally traumatic. It would not be surprising, therefore, that many women either chose to remain silent or made their complaints by redirecting their accusations to lesser charges, such as common assault, which swelled the petty sessions. Furthermore, analysis of the cases of sexual violence which did make it to the Suffolk Assizes reveal that offences were committed by young and old, by labourers, farmers, a shopkeeper, land surveyor, army private, drover and marine store dealer. There is nothing to suggest that these men were outside of patriarchy, a 'diseased excrescence', and nor were they treated as such by the courts. Moreover, I believe judicial and media responses to rape accusations in the mid-nineteenth century betray not only a concern with male deviancy but also anxieties aroused by the tensions inherent within definitions of masculinity as a whole. Nothing could be more disquieting, given the middle-class idealisation of the home, than the confrontation of sexual violence within a domestic or familial context. The 5 cases heard before the Suffolk Assizes and reported in the *Bury and Norwich Post*, therefore, are

⁶² Roy Porter, 'Rape - Does it have an Historical Meaning', p. 235.

statistically significant only as a gross under-representation. Moreover the treatment of the cases confirms a project of denial and silencing.

As has been seen, Sarah Well's charge of rape against her brother-in-law was rejected by a jury who 'immediately' acquitted the prisoner. Frances Woods, who brought a similar case against her former fiancé, had to accept his conviction for the lesser offence of assault with intent to rape and a sentence of six months imprisonment, despite a full admission of guilt. In her testimony Frances, it is reported, described how 'he caught hold of her, but she got away and tried to escape into another room, but he followed her and threw her down. She screamed loudly and begged him to desist'. Despite the unequivocalness of her story it was argued that Frances had 'half consented' and medical testimony inferred inadequate resistance.⁶³ Frances was raped in her own home by a man to whom she had been engaged until 18 months previously; clearly the jury felt that their former association precluded the possibility of rape and made a judgement about her credibility on the basis of their interpretation of a particular set of circumstances and relationships.

In terms of the silencing of domestic or familial sexual violence, the treatment of cases involving fathers and daughters are perhaps even more significant as offences committed against children and minors were normally dealt with more severely. George Holden, George Phillips and James Wells were all tried for the rape of their daughters or step-daughters; James Wells, in 1854 and George Holden, in 1857, were both convicted but only on lesser charges of indecent assault and intent, receiving prison terms of six months

⁶³ *Bury and Norwich Post*, August 4, 1852.

and two years respectively. Both cases were reported with no further details. George Phillips, indicted for the rape of his fifteen-year-old daughter in 1858 was acquitted; the brief report merely informing us that the case was stopped as the girl 'hesitated so much'.⁶⁴ Clearly, in the representation of women as victims of rape, gaps and silences must continue to be explored alongside the possibilities of limited, female agency. Furthermore, whether familiar with their assailants or not, the meaning of the act of rape for its victims lay in the physical and psychological injuries they sustained. Legal practice, on the other hand, confirmed by the reporting of the press persisted in its emphasis on the meaning of the same act for those who were its perpetrators. As the following discussion aims to explore, in cases of 'seduction' sexual assault was often measured in terms of the costs incurred by fathers, brothers and employers as a consequence of the 'trespass' of the bodies of their female charges and a resulting loss of services.

Rape as seduction

Man, the lawless libertine, may rove
 Free and unquestioned through the paths of love;
 But woman, sense and nature's easy fool -
 If woman, poor weak woman swerves from virtue's rule -
 If, strongly charmed, she tempt the flowery way,
 And in the softer paths of pleasure stray,
 Ruin ensues, remorse and endless shame,
 And one false step entirely damns her fame.
 In vain, with tears, the loss she may deplore -
 In vain look back to what she was before.
 She sets, like stars that fall, to rise no more.⁶⁵

⁶⁴ *Bury and Norwich Post*, March 23, 1858.

⁶⁵ *New Newgate Calendar*, 1863, p. 390.

These lines from a poem on a seduced woman serve as an introduction to the criminal biography of Mary Blandy, 'The Victim of Seduction who was induced by her betrayer to Poison her father', whose story was told in the *New Newgate Calendar* in 1863. The daughter of an eminent attorney and town clerk in Henley-on-Thames, she was educated in the 'precepts of virtue and religion' but 'fell prey to the arts of her seducer' who tricked her into administering poison to her ill father. Mary Blandy was subsequently executed for her crime.

In the nineteenth century the theme of seduction was frequently employed in literature and in the media; its confusion with rape, the terms were often used interchangeably, blurred the injury suffered by women as victims of sexual violence. Speaking rape as seduction was to define it as an expression of 'libertine' masculinity, the violence of rape obscured within the idea of an aggressive, but to some degree tolerated, method of male, sexual conquest. Indeed, references to the 'art' of seduction implied an expertise, a skill that commanded admiration.⁶⁶ At the same time, portraying the raped woman as 'seductive' was to cast her as provocateur or protagonist. Although seduction was the action of men, women embodied their sexuality even if they did not act it. As all feminine behaviour was seen as seductive they could not easily avoid the "dangers" which their very appearances exposed them to; as they were also "naturally" vain and prone to flattery the risks were compounded. Furthermore, as both the raped and seduced woman were defined as passive objects, their role was either to acquiesce or

⁶⁶ *A Dictionary of the English Language* published by Rev. H. J. Todd in 1827 defines the seducer as 'one who draws aside from the right, a tempter, a corrupter'. It also quotes Samuel Richardson's novel *Clarissa*, published in 1748, in which it is claimed, 'A woman who is above flattery, and despises all praise, but that which flows from the approbation of her heart, is, morally speaking out of reach of seduction'. Since women's vulnerability was commonly defined in terms of vanity they would by their "nature" be susceptible to seduction.

refuse to be taken; as Ellen Rooney concludes in her characterisation of Hardy's *Tess of the D'Urbervilles*: 'A female subject who can act only to consent or refuse to consent is in fact denied subjectivity'.⁶⁷

Seduction was defined around the seducer's 'art' of deception and its repercussions for other men as husbands, fathers, brothers and employers; its effects on the women themselves having only relative significance. Cases of 'seduction' by anaesthesia, highlighted in popular literature and the press at the time of the discovery of chloroform in 1847 clearly implied rape, though the use of the term 'seduction' emphasised the duplicity involved rather than any act of sexual violence. The *Times* in 1845, for example, featured the trial of a French dentist who was convicted of criminally assaulting two, young female patients whilst they were under the influence of ether.⁶⁸ A twopenny publication in 1850 by 'a late victim', Harriet W - M - N, warned of the 'diabolical' power of chloroform. By rendering women senseless and defenceless 'they have no Power to resist the Wicked Desires or Inclinations of their Seducers'. Reference is made to 'virtuous female servants' who are first immobilised and then dragged into 'secret places or private closets'. According to the pamphlet poor 'unfortunate women' also resorted to chloroform, but as a means of robbing their victims rather than from any sexual motive. Clearly intended to entertain and titillate, the language of seduction employed in cheap, popular literature such as this is, nevertheless, instructive. In a general sense, it appears, the essential elements of seduction combined deception with financial motives or interests; this is true, also, of its legal definition.⁶⁹

⁶⁷ Ellen Rooney, ' "A Little More Than Persuading": Tess and the Subject of Sexual Violence', in Higgins and Silver (eds), *Rape and Representation*, p. 92. See also: Lynda Nead, 'Seduction, Prostitution, Suicide: *On the Brink* by Alfred Elmore', in *Art History*, Vol. 5, No. 3, 1982, pp. 308-22.

⁶⁸ *Times*, 'A New Crime', November 5, 1847.

⁶⁹ P. R. O. 12331. ee. 45. Harriet W - M - N, *Seduction by Chloroform*, 1850.

In the period between 1830 and 1860 several cases of seduction were brought before the 'Nisi Prius' Court of the Suffolk Assizes by male relatives and employers who sought compensation for the loss of their daughters', sisters' and employees' services.⁷⁰ In 1859, for example, the father of Jane Ellen Farrow, a tailor/outfitter from Framlingham, took legal action in pursuit of financial redress when his daughter became pregnant after 'improper relations' with a young bailiff. The plaintiff's main concern was that, whereas he had paid his daughter 6L. 10s. to serve as his foreman, 'he should have to pay anybody else 30L.' For this loss he was subsequently awarded 50L. in damages.⁷¹

However, financial loss was not the only form of disadvantage that was recognised and costed as a result of actions brought for seduction. In 1858, Mr Allen, a corn merchant and haberdasher in Lowestoft, whose daughter was 'seduced' by a lodger was awarded damages of 125L., the judge ruling that in addition to the material loss sustained by the plaintiff there should be compensation for 'loss of comfort, and for the disgrace brought upon his family'.⁷² As for Amelia Allen's experience of seduction, the defence argued that she was a 'consenting party', the prosecution that she was duped by the promise of marriage. Either way this was not the essential point; the consent or otherwise of the woman might effect the extent of damage to her father or brother, it could not change the result. Seduction was primarily a crime against men and accommodated a range of experiences for women, including rape, though this was never the central focus. Hence, the distinction between rape and seduction was made extremely muddy.

⁷⁰ The Nisi Prius Court was the first court in an action for compensation.

⁷¹ *Bury and Norwich Post*, August 9, 1859.

⁷² *Bury and Norwich Post*, August 3, 1858.

This coagulation of rape and seduction is highlighted by the case of Mary Medcalf in 1860. Mary had been living with her unmarried brother, a farming bailiff in Wickhambrook, serving as his housekeeper. In 1859 seventeen year old Mary left her brother; she had seemed to be in poor health for several months. When her brother heard the cause of her 'illness' he confronted a man called Moor whom she claimed was the father of the child. Moor resisted pressure to marry Mary and her brother took legal action against him. In court Mary described her acquaintance with and 'seduction' by Moor in the following terms:

I was going to my mother's, when defendant came up to me in the Ash-walk, and tried to force me down, saying 'he would've his own way and do as he liked'. About a month after that he made a similar attempt and said he would marry me if anything happened. He used to come and see me in my brother's absence and frequently renewed these attempts. As I was coming home from my father's in September 1858, I saw Moor in the Ash-walk, and went with him towards a wood, where he threw me down, and accomplished his purpose, notwithstanding my resistance.⁷³

Mary's 'seduction', as she described it, was clearly sexual assault. The 150L's of damages awarded to her brother were not an acknowledgement of the brutal attack she suffered but a measurement of the costs of her experience to her family. In his summing up the judge emphasised that financial compensation had been granted 'for the loss of comfort, and the society of a chaste sister, and for the dishonour that could be accrued to her family by her degradation'. Mary, because of her assault and as an unmarried mother no longer constituted an economic asset to her family and conferred her shame upon it. For this loss of her value her brother was duly reimbursed.

⁷³ *Bury and Norwich Post*, March 27, 1860.

In the seduction, rape and sexual assault cases that have formed the subject of this analysis the powerful discourses of medicine and the law, faithfully regurgitated in the newspapers, held the upper hand in the definition of the meanings of these experiences. These official responses directed their attention to the meaning of these offences for their perpetrators, their implications for middle-class ideals and their concerns to regulate working-class morality. Revulsion at the crimes committed and the injuries sustained by women to their bodies, minds and reputations were never a central focus. The ambiguity of the legal response, rooted in the contradiction between the desire to mitigate or deny 'unmanly' conduct and the need to discipline the working classes whose immorality threatened society and offended middle-class domestic ideals, lies at the heart of the meaning of rape and sexual violence at this particular historical moment. Expressions of reluctance by judges to hear these cases articulated not only fears of social contamination but also a desire not to confront the dilemma which rape cases posed in exposing the tension between notions of male sexuality and the male responsibility to protect the weaker sex. However, the women who took their cases to court and presented their testimonies - often to the extreme discomfort of those who heard them - resisted dominant representations of rape by their negotiation of official discourses and processes. They made their experiences visible and to some degree were able to articulate their protest. It is for this reason that without close attention to the stories of Mary Medcalf and Elizabeth Chapman understanding the meaning of sexual violence in this period is far from complete.

Chapter Five

Criminal Women: ‘One of the sores of the body politic’¹

Statistically, fewer women are convicted of crime than men; the offences they commit tend to be minor and non-violent. This is as true today as it was of the nineteenth century. Criminologists, sociologists and historians have proffered a variety of explanatory factors, which may or may not operate at any particular moment in time, ranging from a belief in the innate non-criminality of women, the limited or different opportunities available to them, their own acceptance of passive roles and a greater ability to conceal crime.² Carol Smart has argued for the comparatively low status of female criminals within contemporary social priorities; ‘insignificant irritants’, they pose no major threat to social order and excite limited attention from the Home Office.³ That is, of course, unless they murder or commit acts of violence. The media hype and furore surrounding the cases of Rosemary West, Louise Woodward and Mary Bell remind us of the extreme cultural anxieties evoked by women who kill. Convictions of women for violent crimes may be rare events; they invite, however, disproportionate comment and attention because of the perversions of “natural” womanhood that their actions are understood to represent, raising concerns about women’s role, marriage and the

¹ Mrs H. E. Owen, ‘Criminal Women’, *Cornhill Magazine*, Vol. XIV, 1886, p. 153.

² See, for example, Frances Heidensohn, *Women and Crime*, MacMillan, 1985; Allison Morris, *Women, Crime and Criminal Justice*, Blackwell, 1987; Ngaire Naffine, *Female Crime: The Construction of Women in Criminology*, Allen and Unwin, 1987; A. Worrall, *Offending Women*, Routledge, 1990; Carol Smart, *Law, Crime and Sexuality: essays in feminism*, Sage Publications, 1995.

³ Carol Smart, *Women, Crime and Criminology: A Feminist Critique*, Routledge and Kegan Paul, 1976, p. 2.

domestic sphere. Helena Kennedy suggests that the reluctance to criminalise women is 'a profound expression of our worst fears about the social fabric falling apart. Women are still the glue that cements the family unit, providing cohesion and continuity'.⁴ By redefining the transgressions of criminal women in less threatening terms, for example as the acts of 'mad', and therefore non-rational women, or 'bad' women, aberrations of their sex, damage limitation to traditional notions of femininity is achieved and they are consequently maintained.

In the Victorian period women constituted a minority of those who were charged with, and convicted of, criminal offences though they represented a more significant group than they do today.⁵ This chapter seeks to explore how the actions of criminal women in the mid decades of the nineteenth century were defined, understood and treated within legal and media discourses and literary representation. Suffolk provides the main geographical location for the discussion and three cases of domestic murder, which were brought before the Suffolk Assizes between 1844 and 1851 lie at the heart of the analysis.⁶ Though statistically marginal the three convicted murderesses generated extensive comment and coverage of their cases, producing a level of response which is not only historically fertile but is also indicative of the significant space which they claimed within the cultural imagination. These exaggerated responses, however, can

⁴ Helena Kennedy, cited in Alice Myers and Sarah Wright (eds.), *No Angels: Women Who Commit Violence*, Pandora, 1996, p. xiv.

⁵ Lucia Zedner suggests that in the second half of the nineteenth century over a fifth of those convicted of crime were women in comparison with an eighth today. She calculates an average female prison population of 17% in 1881 against the much lower figure of 4% in the present day. As Zedner herself cautions, such figures can only be treated as indicative as any quantification using contemporary statistics present considerable problems. It is known, for example, that prostitutes and vagrants were excluded from official figures in the late 1860's. Zedner, *Women, Crime and Custody in Victorian England*, Clarendon Press, 1991, p. 1.

⁶ It is worth pointing out that despite the local nature of these cases, the crimes committed by these women were more widely known through, for example, the reporting of the *Times* and by being featured in other national publications.

only be fully understood once situated within the wider, social and historical context. This implies some statistical mapping of the nature and pattern of both female and male crime and an exploration of the relationship between official and journalistic responses to deviancy and broader social preoccupations, economic conditions and class interests.

As part of their mission to survey and reform the working classes, social commentators and periodical writers of the mid-nineteenth century betray a particular concern with the social implications of female crime, as they perceived them to be.⁷ One such participant in this project was John Glyde, an Ipswich bookseller, social analyst and journalistic author who included a chapter on the 'Nature, Extent and Localities of Crime' in his portrait of *Suffolk in the Nineteenth Century*, published in 1856. Using data compiled from local gaol books, national statistics extracted from official reports and quoting the 'expert' opinion of local authority, Glyde presented his readers with a view of the criminal landscape in Suffolk from the 1830's to the 1850's, charting trends through an array of quantitative data and imposing his own meaning on his investigations and findings.

Glyde's writing, which dominated his life after 1850, was inspired both by liberal and utilitarian ideals, which he came to embrace, and the lasting impression of an earlier

⁷ See Eileen Janes Yeo, *The Contest for Social Science: Relations and Representations of Class*, Rivers Oram Press, 1996. Yeo charts the development of a 'new science of society' in the late-eighteenth and nineteenth centuries, which focused on the condition of the working classes as an index to social happiness and improvement. State investigations, local statistical societies and individual journalists and social commentators contributed to this work which was seen as an 'aid to action' and was concerned to promote social change. Yeo claims that after the Reform Act of 1832 'service to the local working class now became an important part of the claim to moral and political authority in contrast to the classes above and in relation to those below' (p. 59).

flirtation with Chartism.⁸ His investigation into the condition of the people of Suffolk was no idle pastime; it was propelled by an improving imperative and strong, personal conviction. His work demonstrates a sympathy for the poor but any empathetic identification is confined within the perimeters of a particular construction of the working classes which dominated middle-class, reforming social analysis at this time. He combines, therefore, limited appreciation of the economic and environmental causes of poverty, crime and ignorance with a belief in individual solutions to combat 'a sad depth of moral debasement, a large amount of undisciplined passion'.⁹ He advocated reform designed not only to ease the condition of the poor but also to inculcate the labouring classes with habits of decency and obedience. He applauded the New Poor Law for its rejuvenating moral effects, the Friendly Societies because they encouraged thrift and self-reliance, the Mechanics' Institutes because they fostered self-improvement. He employs a language of opposing values, juxtaposing vice/virtue; morality/immorality; civilisation/savagery defined by Yeo as 'systems of resonant keywords and images', which became the hallmark of middle-class reforming zeal and social analysis.¹⁰ Glyde decried the fecklessness and immorality of his subjects; 'beer and tobacco', he pronounced, 'are the canker worms of the rent and clothing of many'. His preoccupation with squalid living conditions - 'the oozing of pig-sties and other filth', with dirt and disorder and the 'herding together' of both married and unmarried 'in beds almost touching each other', connect him with a very particular way of seeing and defining his social inferiors.¹¹ In the process of analysing the labouring classes of Suffolk

⁸ For more on Glyde's life and career, see A. F. J. Brown's 'Introduction' to J. Glyde, *The Moral Social and Religious Condition of Ipswich*, S. R. Publishers Ltd, 1971, (first published 1850).

⁹ John Glyde, *Suffolk in the Nineteenth Century: Physical, Social, Moral, Religious and Industrial*, London, Simpkin and Marshall & Co., 1856, p. 146.

¹⁰ Yeo, *The Conquest for Social Science*, p. xvi.

¹¹ Glyde, *Suffolk in the Nineteenth Century*, pp. 358-361.

Glyde was also busy in the work of self-identification; in promoting a version of proper family living and the appropriate ordering of public and private space.

In the period between 1801-1851, Glyde suggests an increase in the crime rate of 200% in Suffolk, in comparison with a population increase of 56% in the same period.¹² He is, however, at pains to acknowledge the difficulties of quantification and the impact which, for example, the establishment of a rural police force may have had on the rate of detection.¹³ Nevertheless, to a man who regarded crime as a social barometer, 'one of the best indexes we have to the moral condition and degree of civilisation of the people', these apparent trends can only have appeared alarming. Singled out by Glyde as a particular cause for concern was a rise in female crime. Whilst acknowledging that, 'As may naturally be expected, the largest proportion of offences within the pale of the criminal law are committed by males', he proceeds to chart an increase in the female to male crime ratio in the years between 1834 and 1852. According to Glyde's calculations and sources, in 1834 44 women were convicted in comparison to 440 men and by 1852 the figure had risen to 88 women as opposed to 521 men.¹⁴ Reinforcing the significance of his findings, Glyde contrasts an average number of female committals of 47 per annum in the period 1834-1836 against 80 per annum in the period 1840-1842, an increase of

¹² Glyde, *Suffolk in the Nineteenth Century*, pp. 116-117.

¹³ See L. Jacobs, *Constables of Suffolk. A Brief History of Policing in the County*, Suffolk Constabulary, 1992. Suffolk saw its first professional police forces in the towns of Ipswich, Bury St. Edmunds and Sudbury in 1836. An East Suffolk County force followed in 1840 and a West Suffolk force in 1845. In succeeding years all the boroughs, apart from Ipswich, consolidated with surrounding county forces. Police numbers in many county boroughs, however, were small and it is difficult to know how effective they were. Jacobs highlights concerns in the 1830's and 1840's with standards (mainly drunkenness) in the service in Suffolk, leading to dismissals and disciplinary action (p. 16). For a detailed analysis of the development of the police forces nationally see, Stanley H. Palmer, *Police and Protest in England and Ireland 1780-1850*, Cambridge University Press, 1988.

¹⁴ Glyde, *Suffolk in the Nineteenth Century*, p. 128.

70%. His alarm, in response to these findings, is founded on a belief in the weightier moral and social consequences of female crime, for:

The reaction upon society must have been demoralising in the extreme, as the influence of mothers and sisters among the working class in particular, is far more powerful than that of fathers and brothers.¹⁵

Glyde's response to the female criminal illustrates the importance of gender ideals in the shaping of nineteenth-century, middle-class attitudes. As Lucia Zedner has argued female offenders committed double crimes, compounding their illegal actions by also transgressing their idealised role as wives and mothers.¹⁶ Within the pervasive domestic ideology of the period women were defined as "natural" carers and nurturers, responsible for the provision of domestic comforts as well as moral and spiritual nourishment within the home. These idealised notions of the "true nature" of womanhood inform Glyde's "common sense" understanding of female criminality. He does not, however, appear to regard women as innately non-criminal, arguing that they lack the facility and opportunity rather than the inclination to commit crime:

The criminal mind is doubtless as strong in women as in men, and the less number of offences arise more from want of power than want of disposition [...] Offences generally are of a masculine character and as such females have not the same opportunity of committing, but whenever females are employed so as to engender masculine habits, female offenders are found to increase.¹⁷

For Glyde the criminalisation of women inevitably signified their defeminisation. Furthermore, his gendered analysis of crime expresses the view that a woman's virtue was best protected if she remained within the safe confines of private boundaries.

¹⁵ Glyde, *Suffolk in the Nineteenth Century*, p. 129.

¹⁶ Lucia Zedner, *Women, Crime and Custody in Victorian England*, p. 2.

¹⁷ Glyde, *Suffolk in the Nineteenth Century*, p. 129.

Exposure to the public, masculine world of work, for example, threatened her moral integrity as a woman as well as her ability to perform within the home.¹⁸

The social meaning attached to female crime by Glyde in the local context can be compared to periodical articles, which often offered a less specific regional analysis and were intended for a national audience.¹⁹ For example, Mrs H. E. Owen writing in the *Cornhill Magazine* in 1866, appears to share Glyde's social anxieties and expresses them in dramatic terms.²⁰ Employing the metaphor of a diseased body, Owen defines the criminal woman as particularly threatening to the health of society: 'A bad man', she declares, 'is not so vile as a bad woman', and as a 'class', criminal women constitute 'one of the sores of the body politic'.²¹ Women are, according to Mrs Owen, much more impressionable and susceptible to corrupting influences than men; their 'wifely and maternal qualifications' may be 'natural' and, therefore, expected qualities, but they cannot be left to chance and appropriate training and education remain critical processes. Man, she says, can 'better afford to trust to his native strength to find means to supply the deficiencies, to remedy the evils of early bad associations'; for women, on the other hand, moral willpower and discernment are limited resources.²² Like Glyde the

¹⁸ Although Glyde recognised the vital economic contribution of women who worked in the fields to their households, he regarded their employment as a poor substitute for domestic occupation, exacting a high price in terms of child welfare and home comforts.

¹⁹ I have found several articles that focus on the female poisoner (see discussion on pp. 24-25), and several including Mrs. Owen's, that emphasise the relationship between social immiseration and moral degeneracy and female criminality on account of the responsibility afforded to women as socialisers of children. See also, for example, William Gilbert, 'Toddy's Legacy', *Good Words*, Vol. xii, 1871, pp. 331-335; Sir Walter Croften, 'Female Criminals - their children's fate', *Good Words*, 1873, Vol. xiv. pp. 170-74.

²⁰ *Cornhill Magazine* attracted a middle to upper-class readership who were probably predominantly Liberal like the magazine itself. Published monthly it had an estimated circulation of 30,000 in 1865. Alva Ellegard, *The Readership of the Periodical Press in Mid-Victorian Britain*, Goteborgs Universitets Arsskrift, Vol. LXIII, 1957, pp. 32-33.

²¹ Mrs H. E. Owen 'Criminal Women', *Cornhill Magazine*, Vol. XIV, 1866, pp. 152-153.

²² Owen, 'Criminal Women', p. 152.

implications of criminality are considered by Mrs Owen to be far more serious for the woman than for the man, resulting not only in the forfeiture of her femininity but also in her dehumanisation and descent into savagery:

The man's nature may be said to be hardened, the woman's destroyed. Women of this stamp are generally so bold and unblushing in crime, so indifferent to right and wrong, so lost to all sense of shame, so destitute of the instincts of womanhood, that they may be more justly compared to wild beasts than to women[...] Criminal women, as a class, are found to be more uncivilised than the savage, more degraded than the slave, less true to all natural and womanly instincts than the untutored squaw of a North American Indian tribe.²³

For Mrs Owen like Glyde crime, and particularly the female offender, constituted an assault on civilisation itself; in this particular case, she is defined both in animal and, therefore, subhuman terms and is associated with racial degeneration.²⁴ Within this single remark criminal women are identified with brute animalism and cultural and racial inferiority and isolation; their bankruptcy of feminine qualities could not be more complete. They become 'beasts', 'slaves', 'savage' - other than women.

Mrs Owen's analysis of female crime also marks a transition around the mid-nineteenth century towards a more biological, scientific and deterministic theory of crime, which was to culminate in Lombroso and Ferero's *The Female Offender*, published in 1895.²⁵ This transition has been traced by Daniel Pick who argues that 'A specific bio-medical conception of degeneration was already to be seen in the 1850's and 60's', and, 'insanity

²³ Owen, 'Criminal Women', p. 153.

²⁴ Angela John has detailed how coalmining women in this period were similarly defined as 'unsexed' and became implicated in an emerging discourse on racial degeneration as elaborated in science, literature and social policy. For a discussion of her work see Anne McClintock, *Imperial Leather: Race, Gender and Sexuality in the Colonial Contest*, Routledge, 1995, pp. 104-118.

²⁵ *The Female Offender* was based on a theory of atavism and Social Darwinism in which all criminals were defined as biological throwbacks from an earlier stage in the evolution of human development.

and criminality were increasingly cast as symptoms of a wider pathology'.²⁶ However, although Owen describes a process of degeneration and decivilisation it remains located, even if rather tenuously, in defective socialisation rather than biological programming; one might descend into savagery but reclamation was still possible. As Martin Wiener has argued in *Reconstructing the Criminal*, from the 1830's to the mid decades of the nineteenth century, all criminal activity was perceived in terms of character defect, an inability to check 'wayward impulses'.²⁷ Inadequate education and parental neglect were seen as key elements in the failure to achieve self control and resist temptation. Reformers, commentators and judges alike participated in a 'common discourse of moralisation' and the letter and exercise of the law was invested with an educative purpose which assumed that, since crime involved individual choice, the 'savagery and social demoralisation' which resulted could only be countered by a civilising process which placed self-management and personal discipline at its heart. The increase in summary jurisdiction, the introduction of professional police forces, the prison system and increasing intolerance of petty and public order offences constituted major weapons in the assault on moral standards. At the same time legal reform in the first three-quarters of the nineteenth century focused on clarity, consistency and the minimisation of discretionary and arbitrary decision-making, thus also making the law 'a more effective instrument of moral education'.²⁸ As Wiener has argued, the criminal trial itself underwent an essential change in function in this period:

From a ritual show reaffirming the social and religious order, the trial was to become a new sort of educational process; from the

²⁶ Daniel Pick, *Faces of Degeneration: A European Disorder, c. 1848-c. 1918*, Cambridge University Press, 1989, p. 178.

²⁷ Martin Wiener, *Reconstructing the Criminal, Culture, Law and Policy in England, 1830 - 1914*, Cambridge University Press, 1990, p. 46.

²⁸ Wiener, *Reconstructing the Criminal*, p. 63.

**Court as participatory and expressive theater was to be shaped
the court as reflective and instructive schoolroom.²⁹**

Moreover, a growing anxiety surrounding the moral effects of public, corporal and capital punishment further suggests that at all levels and stages the legal process came to be judged in terms of its contribution to the civilising mission.

The response to the female perpetrator of crime, therefore, needs to be placed not merely within the context of prevailing gender and class ideals but also within this moral discourse which constituted a major subtext underpinning criminal policy and characterised the 'new social science'. In the struggle against socially undesirable impulses women were seen as equally, if not more, susceptible as men, though an increasing belief in their physical vulnerability and heightened moral sensibilities created a dilemma when it came to appropriate treatment of convicted women. Shorter sentences and differential treatment within penal institutions were some of the ways in which this conflict was resolved.³⁰ Hence, with certain concessions to the feminine constitution, character reformation could still take place. However, the disproportionate focus of attention on female crime in relation to its statistical significance is partly to be explained in terms of the decisive moral influence considered to be exerted by women within the domestic sphere. As mothers and socialisers the corrupting effects of female deviance were seen to have penetrating social implications. In a period in which juvenile crime evoked especial concern and was frequently attributed, initially at least, to parental

²⁹ Wiener, *Reconstructing the Criminal*, p. 65.

³⁰ Wiener, *Reconstructing the Criminal*, p. 129. For a detailed analysis of penal theory and practice in relation to female offenders see Zedner, *Women, Crime and Custody in Victorian England*.

performance and 'want of religious and moral influence at home',³¹ the female offender failed most acutely in her role as mother, wife and sister.

Moreover, by defining crime in terms of individual, moral incontinence and subsequently focusing on its perceived moral consequences, middle-class commentators neglected to explore, in any depth, the material imperatives surrounding female criminal activity. Mrs Owen lists drunkenness, slovenliness, gross ignorance and an apparent inability 'to make a mental effort to grasp a single truth in morals or religion'; her blindness to the conditions of poverty is startling.³² Her emphasis on the transmission of base habits and values from one generation to the next also highlights her fear of a spreading social contamination:

A female infant, the offspring of depraved and diseased parents, comes into the world. With its mother's milk it imbibes the poison that results from dram-drinking, occasionally raw spirits are forced into its mouth to still its cries of pain, so that the mother can move about or leave it untended with more freedom. The little body is not only never invigorated with a bath, but scarcely knows the health-giving touch of cold water.³³

Obscene language, dirt, immodest sleeping arrangements, deprivation of maternal love and proper instruction all lead to a life of dishonesty and promiscuity. For Mrs Owen, reclamation is only possible through moral and religious teaching and not by addressing economic hardship.

Similarly Glyde, in his commentary on the causes of crime in Suffolk, identifies drunkenness and 'ignorance and want of early training', urging that education should

³¹ Glyde, *Suffolk in the Nineteenth Century*, p. 133.

³² Owen, 'Criminal Women', p. 155.

³³ Owen, 'Criminal Women', p. 157.

include 'the formation of moral and industrial habits'.³⁴ Despite acknowledging the demoralising effects of low wages, irregular employment and unemployment, there remains a tension between economic factors and individual failing. Specific reference to female crime is made in connection with larceny committed by domestic servants and Glyde quotes the Chaplain of Bury Gaol who explains this particular offence in terms of 'pride, love of dress and impatience of discipline, as well as uneducated minds'. It is a view which is confirmed by a Colonel Bence who cites 'Low price of wages, with an inordinate love of dress on the part of the females; and an omission of religious instruction by their masters and mistresses in farm houses, and by those engaged in trade'.³⁵ Again, inadequate moral and religious training is invoked alongside "feminine" weaknesses of vanity and pride.

The starting point for this discussion has been contemporary perceptions of female crime in the mid-nineteenth century as expressed by individual commentators and writers. Their concerns illustrate the fact that social and statistical significance need not necessarily correspond. Indeed, Kermode and Walker have observed that because since the fourteenth century women have only ever constituted a minority of those prosecuted, the tendency has been for them to be 'duly counted and then discounted'. Our insights into female criminal activity in the past, therefore, may have been constrained by quantitative approaches which 'in searching for statistical patterns have often categorised and compartmentalised criminal activity, whilst glossing over crucial elements in understanding it'.³⁶ However, although qualitative material may well yield more,

³⁴ Glyde, *Suffolk in the Nineteenth Century*, p. 151.

³⁵ Glyde, *Suffolk in the Nineteenth Century*, p. 153.

³⁶ J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England*, UCL Press, 1994, p. 4.

discussions of female crime and the exploration of individual cases need also to be situated within a wider statistical overview, a mapping of the pattern of female and male criminal convictions.

Counting crime: local and national trends

Although enumeration using crime statistics for this period are fraught with difficulty historians concur on a number of general, long-term trends in convictions. Clive Emsley, for example, describes a gradual increase in theft and assault cases in the late eighteenth century, a steeper increase in the second decade of the nineteenth century and a continued rise until the end of the 1840's. The second half of the nineteenth century saw a gradual decline in violent crime and theft though not in housebreaking and burglary.³⁷ David Jones has also argued that the mid century constituted a critical turning point; a new sensitivity to crime and the improved machinery for dealing with it, contributed to a decline in the national crime rate from the 1860's until the end of the century and beyond.³⁸ Clearly the character and extent of crime could range significantly from one community to another and the assumption that crime was largely a city phenomenon was challenged by contemporaries who claimed that a considerable amount of rural violence went under-reported. Jones points out:

As the urban apologists never tired of stressing, crime rates in the highly commercialised agricultural areas of Suffolk and Dorset were often higher than in selected manufacturing towns and violence against persons and property were important elements of rural crime until the 1860's.³⁹

³⁷ Clive Emsley, *Crime and Society in England 1750 - 1900*, Longman, 1987, p. 5.

³⁸ David Jones, *Crime, Protest, Community and Police in Nineteenth-Century Britain*, Routledge and Kegan Paul, 1982, p. 4.

³⁹ Jones, *Crime, Protest, Community and Police*, p. 5.

Indeed, as part of his analysis of crime in Suffolk, Glyde claimed that ‘the simplicity and innocence of peasant life exist only in imagination’, and that in the countryside:

Fashion and pleasure have withered the offices of Christian love, until vice and sorrow have settled upon our agricultural population, and heathenism and crime have contaminated where it would least be expected.⁴⁰

The views of contemporaries remind us that perceptions of crime are equally as important as any “actualities” that can be ascertained from the evidence.

However, in line with national trends, comparison of the crime rate in West Suffolk in 1844-1845 with 1865-1866, as revealed by gaol receiving books for these years, suggests an overall decline.⁴¹ (See Appendix 3 for summary of data on which the following discussion is based). Between January 1844 and January 1845, 585 people were committed for trial, of which 90.4% were male and 9.6% female. In the longer period, April 1865-August 1866, 532 people were committed, 88.5% being men and 11.5% women.⁴² The increased proportion of female prisoners may be an effect of the policy to expand and intensify prosecution of disorder and petty thieving offences, as has been suggested by Martin Wiener.⁴³ The rate of conviction also shows an increase in this period from 90.2% for men and 80.4% for women in 1844-1845, to 93% for both men and women in 1865-1866. As well as signifying a growing intolerance of crime this

⁴⁰ Glyde, *Suffolk in the Nineteenth Century*, p. 147.

⁴¹ A number of receiving books for the gaol in Bury St. Edmunds have survived spanning the period from 1844-1875, though not all years are covered. I have chosen to base this analysis on a comparison of the book for 1844-45, the earliest record, and the book for 1865-66 because it gives a detailed record. A comparison of the 1840's and 1860's also allows for the identification of possible changes in the nature and extent of crime in West Suffolk in this period.

⁴² In terms of national trends, Emsley suggests that in the period 1750-1900 three quarters of offenders were male (*Crime and Society in England*, p. 14). Zedner claims that in the second half of the nineteenth century over a fifth of those convicted of crime were women, compared with an eighth in 1991. *Women, Crime and Custody in Victorian England*, p. 1. This may indicate that the proportion of female criminals was higher in industrial and urban areas.

⁴³ Wiener, *Reconstructing the Criminal*, p.129.

trend may also reflect the declining severity in sentencing for offences such as theft which, ironically, had the effect of making conviction easier. In terms of the nature of crime committed, the overwhelming impression conveyed by the records for both years is of offences that relate to poverty and social and economic frustration. In 1844-1845 theft (29.1%) and poaching (17.4%) together represented almost half of the offences for which men were committed for trial. Although poaching declined to 12.7% of male committals in 1865-1866, theft rose to 33.1% presenting, collectively, a similar picture.⁴⁴ Thirty-six men and two women were committed to trial for arson attacks in 1844-1845, another indicator of the social and economic distress of the period. The most usual targets were haystacks and farm property. If convicted, as thirteen men were, sentences of transportation for life or for a period of between 10 and 20 years could be expected. By 1865-1866 the number of arson cases had dropped to 4, suggesting relative social calm and stability.

After the repression of the Swing Riots and the incendiarism of the mid to late 1840's, David Jones has argued that this 'calm' may well have represented a 'spirit of exhausted desperation', which was compounded by the establishment of the police force and the workings of the New Poor Law System.⁴⁵ Of the remaining significant categories of male crime, assault constituted 14.7% of committals in 1844/1845, damage to property

⁴⁴ See Alun Howkins, *Reshaping Rural England: A Social History 1850 - 1925*, Harper Collins, 1991, pp. 116-126; also John E. Archer, *By a Flash and a Scare: Arson, Animal Maiming and Poaching in East Anglia 1815-1870*, Clarendon Press, 1990. Reform of the Game Laws in the first half of the nineteenth century signalled the demise of a paternalistic code by which land owners regulated but tolerated some access to the hunting of game on their land; this was regarded by the poor as their customary right. Economic hardship and continued belief by the poor in their right to game meant that poaching increased rather than decreased after these acts. The Poaching Prevention Act of 1862, therefore, extended to the police the power to stop and search anyone in any public place whom they suspected of coming from enclosed land in pursuit of game. This was an extremely unpopular measure, which caused friction between local communities and their police forces. The decline in poaching in the figures for 1865/1866 in West Suffolk may reflect the effects of the 1862 legislation.

⁴⁵ Jones, *Crime, Protest, Community and Police*, p. 4.

7.4% and vagrancy 9.5%. Although the latter two offences showed some decline in the records for 1865/1866, assault continued to represent 15.5% of committals for that year. Public order offences, predominantly drunkenness and disorderly and riotous conduct, present a steep rise from only 1.1% of male committals in 1844/1845 to 15.7% in 1865/1866, an increase which is mirrored in the statistics for female committals. It has been suggested that the establishment of the professional police as an 'improving force' may account for this rise as vagrancy, prostitution and drunkenness were targeted in the moral surveillance of the streets. Therefore, 'Attempts to regulate social conduct in the second half of the nineteenth century accounted for the only real growth area in recorded criminal behaviour, and for the many sudden fluctuations in the crime rate'.⁴⁶ Moreover, acts of 1848 and 1855, which extended summary jurisdiction to an increasing range of offences, facilitated prompt treatment of minor misdemeanours.

The character of crime committed by women in this period serves as a reminder of the economic pressures they faced, whether as single women, wives or widows. In 1844/1845, 51.8% of all women received into Bury Gaol were single and a further 14.3% were widowed; 59% of committals were of women who were under thirty years of age. In 1865/1866 the largest single category of female committals were married (47.5%) with 44.3% single and 8.2% widows. Whether married or single, the most statistically significant offence was petty theft, constituting 55.4% of all committals in 1844/1845 and 41% in 1865/1866. Items of clothing and linen such as shawls, pillowcases and handkerchiefs were often stolen by domestic servants, probably as a contribution to their own families' subsistence. Opportunity was clearly important; Eliza

⁴⁶ Jones, *Crime, Protest, Community and Police*, p. 23

Nunn, a tailoress living in Bury, was sentenced to twenty-one days hard labour in 1865 for stealing trousers; Susan Theobald, a washerwoman in Sudbury, was committed for stealing sheets, but later acquitted. The majority of convictions for stealing involved small quantities of food such as oats, eggs, pork bones, mutton, swedes, turnips and potatoes, for which the usual punishment was between seven days and three months hard labour. Longer sentences might be given for the theft of money or more valuable articles; Esther Tiers, for example, described as an 'attender of fairs', was sentenced to ten years transportation for the theft of 17½ sovereigns in a handkerchief in 1844. Eliza Mussett, in 1865, was found guilty of stealing 8 yards of moleskin; as a re-offender she was sentenced to one year's hard labour, whilst on the same day Matilda Clark received four months hard labour for the same offence. However, these cases were exceptional and the more usual cases of theft involved pitiful amounts of the most basic commodities, again suggesting that economic necessity and the constant struggle to feed and clothe families lay at the heart of female crime.

Violent crimes such as arson and assault, together with damage to public property, account for only a small proportion of female committals in both 1844 and 1865/1866. To some degree, this may again reflect opportunity and compliance with ideas about the "natural" roles and behaviour of men and women. Greater occupation of public space by men, whether through employment outside of the home or the frequenting of public houses, created more occasions and contexts in which situations leading to such offences might arise. However, a more significant number of committals of women for misbehaviour in the workhouse, which usually involved breaking windows, refusing to work or damaging clothes and linen, suggests that expressions of violence were not a male preserve.

In the year 1844/1845 and the period April 1865 to August 1866, just over 1,100 men and women were committed to Bury Gaol, charged with a variety of offences. Only one of this total number faced a charge of murder; this was Eliza Frost, an unmarried domestic servant who was tried before the Assizes in 1845 for the murder of her child. It is within this context and against the wider backdrop of the nature and extent of crime in Suffolk in the middle decades of the nineteenth century that the cases of Mary Sheming, Mary Cage and Catherine Foster need to be examined. All three women were tried and convicted of murder and subsequently executed in the period between 1844 and 1851; Catherine Foster at Bury Gaol and the other two women at Ipswich. Clearly, all three cases were exceptional; Mary Sheming and Mary Cage were the only two women to be hung in Ipswich in the period between 1830 and 1853 and Catherine Foster was the only woman to be executed at Bury in the same period. However, it was because of their extraordinary nature and outcome that their cases generated such extensive comment and interest and stimulated detailed reporting. As far as the question of typicality is concerned, Kermode and Walker have urged that we should 'stop holding up typicality as a yardstick of historical worth', adding that 'it is often within the abnormal that the constitution of norms themselves can be understood'.⁴⁷ Carol Smart also reminds us that the way in which judges talk about women has ideological significance for all women either in the form of coded moral warning or in the wider class and gender attitudes they betray.⁴⁸ The detailed exploration of statistically exceptional cases, therefore, is historically worthwhile.

⁴⁷ Kermode and Walker, *Women, Crime and the Courts*, p.5.

⁴⁸ Carole Smart, *Law, Crime and Sexuality. Essays in Feminism*, Sage Publications, 1995, p. 57.

**Mary Sheming, Mary Cage and Catherine Foster:
Poisoning Women**

For long periods these female vampyres live in the heart of a family circle, wearing the most life-like marks of goodness and kindness of personal attraction and spiritual gifts; caressed, feted, honoured as the very pride of their sex, whilst they are all the time calculating on the lives and the purses of those nearest, and who should be dearest to them.⁴⁹

On July 30, 1844, Mary Sheming called her neighbour to her house in Martlesham where her ten-week-old grandchild was seriously ill. By 1.45 the following morning the child was dead. The baby's mother, Caroline, had recently returned to the parental home, bringing her two illegitimate children with her. On the day her youngest child died she had gone to Woodbridge leaving her mother to mind her baby son, returning home late in the evening. Mary Sheming was the wife of an agricultural labourer who had dependent children of her own, including daughters of fourteen and twelve years old and an eight or nine-year-old son. Several weeks after the burial of her grandson, suspicion and rumour led to the Coroner's order for disinternment and a post-mortem examination was carried out, as a result of which the stomach of the baby was found to be 'very strongly impregnated with arsenic'. At her trial John Hudson, who kept a general grocery and drapery shop nearby, claimed that he had sold Mary a pennyworth of arsenic on the day the child was taken ill. As further incriminating evidence James Say, a local wheelwright and carpenter, related how three days before the death of the child Mary informed him that Caroline's baby was sick and that 'there would soon be a job to make a coffin'. According to Jane Brett, Mary's neighbour, until July 30 there had been no sign of illness in the baby. At her trial Mary Sheming denied poisoning her grandchild and threw suspicion on her daughters, Elizabeth and Matilda. Mary, however, was found guilty,

⁴⁹ 'The Ursinus', *Household Words*, 1855, Part 12, p. 176.

the jury returning their verdict in only ten minutes. She went to the scaffold in January 1845 still protesting her innocence; the first woman to be hung at Ipswich since 1815.⁵⁰

At the end of March, 1847, it took only fifteen minutes for the jury of the Suffolk Assizes to convict Catherine Foster, a young woman of eighteen from Acton near Sudbury, for the murder of her husband by poisoning. Some 2-3 weeks later, like Mary Sheming, she was publicly hanged for her crime. Catherine had been a domestic servant until her marriage to John Foster, an agricultural labourer she had known since her early teenage years. After their marriage in October 1846, John gave Catherine his permission to pay a pre-arranged visit to her aunt in Pakenham near Bury St. Edmunds, a visit that the constraints of service had prevented her from making earlier. Catherine was away for ten days. Within a few days of her return and exactly three weeks after their marriage John died following a sudden and violent illness, which was initially diagnosed as English cholera. A post-mortem examination revealed, however, the presence of a large amount of arsenic in his stomach and intestines. Traces of arsenic were also found in the crops of dead chickens that had been seen pecking by the Foster's garden where John's vomit had been deposited at the time of his illness. Catherine's trial concentrated on forensic evidence and her opportunity to commit the crime. The testimony of neighbours hinted at a possible motive; Mary Chinery, who lived in the adjoining cottage recalled, 'I heard her tell my grandfather if she had gone to Bury before she married she would not have married at all'. After her conviction, Catherine was 'unremittingly visited' by the Chaplain of Bury Gaol and other ministers. The *Bury and Norwich Post*

⁵⁰ *Ipswich Journal*, September 14, 1844, December 12, 1844, January 18, 1844.

reported a crowd of 10,000 people at her execution and published what was purported to be her written confession after her death, in accordance with her wishes.⁵¹

On March 7, 1851, James Cage was seized with illness whilst labouring in a field, and confined to bed; he never recovered and died on March 23. During this illness, James was attended mainly by Mary his wife, as all the children of the household were out working during the day. After James' death a post-mortem examination revealed that he had been poisoned by arsenic, probably administered in small doses. Arsenic powder was also discovered in the house following a search, which was ordered after the first Coroner's inquiry. At Mary's trial, her friend Elizabeth Lamb described how, during a visit on March 17, Mary had persuaded her to buy 'a pennyworth of stuff' on the pretext that it was needed by her married daughter to kill rats and mice. The daughter denied all knowledge of this, claiming that she had last seen her mother three months before her father's death. After twenty minutes deliberation the jury returned a guilty verdict and Mary was executed on August 20. Like Mary Sheming, she went to her death insisting upon her innocence.⁵²

Mary Sheming, Mary Cage and Catherine Foster shared the ignominy of being convicted for murder by poisoning; they were punished for their crimes by public, state execution. The stories of their trials and executions were disseminated, amongst other means, by extensive coverage of their cases in the local press. As Richard Altick has described, by the 1840's and early 1850's the newspaper-reading public was on the increase, an effect of technological change within the print industry, rising levels of literacy and a reduction

⁵¹ *Bury and Norwich Post*, March 31, 1847; April 7, 1847; April 21, 1847.

⁵² *Bury and Norwich Post*, August 6, 1851; August 13, 1851;

in newspaper tax which placed newspapers within the reach of more working-class readers.⁵³ Middle-class “respectable” journalism had also undergone important changes. In the wake of a decline in political subsidy after the Napoleonic wars, subject matter with a wider appeal was needed to boost circulation. It became increasingly clear to newspaper proprietors, not only that crime sold, but also that the taste for murder was pervasive. Indeed, the interest of women in murder trials and executions was frequently alluded to; a cause for comment and anxiety. Moreover, ‘murder sold as well to the substantial shopkeeper, clerk, civil servant and professional man’, and by the mid-decades of the nineteenth century, ‘whether on behalf of the nation’s entertainment or of its enlightenment, the newspapers had taken over the proprietorship of English murder’.⁵⁴ Within this context, provincial newspapers, such as the *Ipswich Journal* and the *Bury and Norwich Post* devoted significant column space to the cases of these women.⁵⁵ Newspaper accounts of murder cases, however, did not simply fulfil the objective of satisfying the public appetite for crime; any dwelling on blood, gore and salacious detail was accompanied by emphatic moralising and decent outrage. Indeed, the accounts were presented as “true facts”; they were told with a chronological coherence that sought both to trace and to demonstrate the successful operation of the judicial system. James Fulcher in his study of the *New York Daily Times* in the period 1830-1880, describes murder reporting at this time as a ‘formulaic narrative’ which can only be understood within the wider cultural context.⁵⁶ Certainly, the cases of the three

Ipswich Journal, August 9, 1851; August 23, 1851.

⁵³ Richard Altick, *Victorian Studies in Scarlet*, W. W. Norton, 1970, pp. 57-59.

⁵⁴ Altick, *Victorian Studies in Scarlet*, p. 61.

⁵⁵ On March 31, 1847, seven columns were devoted to the coverage of Catherine Foster’s trial in the *Bury and Norwich Post*, a four-page broadsheet. Increasingly, supplements were published to allow for more extensive reporting of Assizes cases

⁵⁶ James Fulcher, ‘Murder Reports: Formulaic Narrative and Cultural Context’, *Journal of Popular Culture*, Spring 1985, Vol. 18, Part 4, pp. 31-42.

Suffolk women were reported in a standardised format which followed the sequence and logic of the judicial process, from discovery, inquest and trial, through to execution. Furthermore, the revocation of an earlier act in 1836, which had required the condemned criminal to be hanged two days following conviction, allowed greater opportunity for the production of confessions and expressions of sorrowful repentance in the extended interval between guilty verdict and execution. By thus emphasising that murderers were detected and brought to justice social reassurance, as well as moral warning, was conveyed. Explanations of the popularity of crime reporting thus extended beyond simple voyeurism and a prurient fascination with murder.

Moreover, the three mid-century Suffolk cases highlight the involvement of family members and neighbours, whose suspicions raised the alarm, who acted as character witnesses and who told the courts what they knew of the events and circumstances surrounding these crimes. Mary Sheming's neighbour Jane Brett, we are told, had to go through the Sheming's yard every day for water; her comments on the apparent health of the child before March 20, therefore, assumed a particular authority.⁵⁷ Catherine Foster's courtship and marriage, and her movements in the three weeks between her marriage to John and his death, were reconstructed in the courtroom by her mother and mother-in-law and those who lived in adjoining properties. In the case of Mary Cage, incriminating evidence regarding the purchase of poison was supplied by her friend Elizabeth Lamb and neighbours described her troubled marriage. Local opinion and knowledge was vital, therefore, in the bringing and pursuit of prosecutions against these women as it was their neighbours and relations who were familiar with their domestic

⁵⁷ *Ipswich Journal*, December 12, 1844.

routines, knew where they shopped and became involved when family members became sick. There may also be a sense in which this high level of involvement was empowering for women whose testimonies could be crucial to the outcome of trials.⁵⁸

The local community, therefore, was directly implicated in the unfolding drama of criminal cases; they were also involved, in a wider sense, as consumers of media and literary representations. The very organised and controlled response to murder in the reporting of the newspapers asserted and implied the beliefs of those who produced and consumed them, beliefs which were 'part of a popular and public explanation of ordinary and everyday experience'.⁵⁹ It is not difficult to see why readers became absorbed in the stories of these crimes; familiar places and people and the use of household substances within a domestic environment connected them with everyday life and stimulated intense local interest. Murder, on the other hand, and particularly murder committed by women, was seen as neither everyday nor as a normal occurrence. As Fulcher comments, 'It was a commonplace that killers were both strange and familiar', and it is this alliance of the ordinary with the extraordinary which, to some extent, accounts for the fascination with domestic murder.

The media attention afforded to the three, very ordinary Suffolk women and the representations of their crimes, therefore, need to be understood within the context of

⁵⁸ This is the same kind of argument that has been put forward in relation to witchcraft in the sixteenth and seventeenth centuries, since it was predominantly women who accused other women and who were employed to search the bodies of suspected women for witches' marks. In relation to the female poisoner in the nineteenth century it has also been suggested that some women, by threatening to poison, manipulated male fears as a form of intimidation. For this see G. Robb, 'Circe in Crinoline: Domestic Poisonings in Victorian England', *Journal of Family History*, Vol. 22, No. 2, April 1997, p. 187.

⁵⁹ Fulcher, 'Murder Reports: Formulaic Narrative and Cultural Context', p. 38.

the social anxieties aroused by what was considered to be their extraordinary deviance. Annette Ballinger in her work on twentieth-century cases has argued that a fear of the female murderer is deeply embedded within our culture partly because 'we react more strongly to rare events'.⁶⁰ Alice Myers and Sarah Wright remind us that acts of violence committed by women are seen as much more threatening to the social order than those carried out by their male counterparts, a symptom of the social concern about 'women's roles and the perceived abandonment of traditional femininity'; therefore, 'when a woman commits an act of criminal violence, her sex is the lens through which all her actions are seen and understood'.⁶¹ An exploration of the representations of Mary Sheming, Catherine Foster and Mary Cage and the crimes they committed must also incorporate a consideration of how this threat was accommodated or diffused. However, the particularity of the threat posed by these three women must also be more closely defined. Each case involved the murder of a family member by poisoning; in each case, also, food was adulterated with arsenic. It is as 'secret poisoners' operating with a chilling rationality from within the sanctuary of the home that their deviance was specifically identified.

By the mid-nineteenth century attitudes to violent crime appeared more optimistic generally, though arbitrary public attacks such as the 'Railway Car' murder of 1857, and private murder within families were becoming an increasing cause for concern.⁶² Domestic murder shook traditional ideas about the home as a haven and place of nurture;

⁶⁰ Ann Ballinger, 'The Guilt of the Innocent and the Innocence of the Guilty: The Cases of Marie Fahmy and Ruth Ellis', in Alice Myers and Sarah Wright (eds.), *No Angels: Women Who Commit Violence*, Pandora, 1996, pp. 38-40.

⁶¹ A. Myers and S. Wright (eds.), *No Angels: Women Who Commit Violence*, Pandora, 1996, p. xii.

⁶² Beth Kalikoff, *Murder and Moral Decay in Victorian Popular Literature*, UMI Research Press, 1986, pp. 57-58.

intimate crimes were not only unexpected, but the administering of poison, a substance commonly used in homes to kill rats and mice, made them less easy to detect and protect against.⁶³ An article in *Household Words* in 1850 complained at the ease with which poison could be obtained: 'Two centuries ago poisoning was a science; now, thanks to a sluggish and "never minding" legislation, the art may be safely practised by the meanest capacity'.⁶⁴ Arsenic, therefore was considered a potential murder weapon which could be casually acquired. The 'humbler portion' of the public was not only exposed to the dangers of careless handling of the substance, but accessibility and the low level of skills required encouraged foul play. Poison left no external scar or bruising and its symptoms of acute abdominal pain, heart failure and respiratory distress were characteristic of many other illnesses. Murder by poisoning, therefore, represented a particularly frightening and insidious form of violence, a 'symbol of concealed hatred'. As Kalikoff explains:

Unlike the bashing and dismemberment of public crimes - poison does not require any physical strength - even women can use it - and the victim has no warning. Most disquieting of all, poison can be administered during the normal round of domestic care, by people who serve dinner, raise children and tend the sick.⁶⁵

Furthermore, the act of poisoning necessarily involved pre-meditation and deliberate preparation, which rendered problematic any plea of temporary insanity or uncharacteristic loss of control. Unlike the murderer whose instrument of violence was a

⁶³ In addition to pest control, arsenic had a wide range of household and medicinal uses. It was used, for example, as an abortifacient, as a cure for toothache and as a cleaning agent. Until 1851 there were no restrictions on the sale of arsenic and it could be bought cheaply over the counter from grocers' shops and chemists. Arsenic was also present in many household items as it was used as a dye in manufacturing processes. Curtains, furnishings and floorcoverings, children's books and toys, candles, wallpaper and food wrappings could all contain arsenical dyes. Indeed, Peter Bartrip argues that, 'It is likely that such constant exposure contributed to the chronic ill-health of the period'. Peter Bartrip, 'A Pennurth of Arsenic for Rat Poison': The Arsenic Act, 1851, and the Prevention of Secret Poisoning', *Medical History*, 36, 1992, p. 55. See also Peter Bartrip, 'How Green was my Valance?: Environmental Arsenic Poisoning and the Victorian Domestic Ideal', *English Historical Review*, September, 1994, pp. 891-913.

⁶⁴ 'Poison Sold Here!', *Household Words*, Vol. 2, 1850, p. 155.

⁶⁵ Kalikoff, *Murder and Moral Decay*, p. 59.

knife or pistol, the crime of the poisoner could not so easily be understood as occurring in the heat of the moment, a spontaneous outburst in response to extreme provocation or the loosening effects of alcohol.

Journal articles of the mid-nineteenth century convey the extreme anxiety evoked by the idea of the female poisoner; stealthily at work where least suspected, betraying the trust placed in her, abusing her privileged position within the home. In the *Dublin University Magazine* in 1847 an article on 'Remarkable Female Criminals - The Poisoners of the Present Century' details notorious cases of French and German women who callously poisoned their husbands in pursuit of mercenary gain and personal ambition.⁶⁶ They span the late seventeenth to the nineteenth centuries suggesting a female tradition and craft in poisoning. As foreign examples they also provided a safe distance from which to examine, what was also perceived to be, a shocking and threatening crime at home. Similarly, an article published in *Household Words* in 1855 entitled 'The Ursinus' recounts the deeds of German women such as widow Zwanziger and Madame Ursinus who, with cunning duplicity, murdered their husbands. They are represented as disturbingly powerful and menacing, their malevolence camouflaged beneath an innocent facade:

**For long periods these female vampyres live in the heart of a family circle, wearing the most life-like marks of goodness and kindness of personal attraction and spiritual gifts; caressed, fêted, honoured as the very pride of their sex, whilst they are all the time calculating on the lives and the purses of those nearest, and who should be dearest to them[...]
May no such tigress smooth our pillow; smile blandly on us in our pains which she cannot take away, though she has the satisfaction**

⁶⁶ 'Remarkable Female Criminals - The Poisoners of the Present Century', *Dublin University Magazine*, 1847, xxix, pp. 51-63.

**of knowing that they will take us away; and mix with taper
fingers the opiate of our repose.⁶⁷**

In this alarming representation of the female poisoner, the ideal of womanhood is turned upside-down. Words such as 'tigress' and 'vampyre' suggest an animal and supernatural strength and ferocity; 'taper fingers' are evocative of witch-like characteristics. Beneath a mask of 'goodness' and 'kindness' there operates an evil that has penetrated the 'heart of the family'. The angel is really a demon in disguise, the power, responsibility and opportunity afforded to women within the domestic sphere having been claimed as a weapon to harm those who least expect and deserve such an assault. As the title of an earlier article in *Household Words* also suggested the woman poisoner committed a 'Household Crime', a very particular form of murder 'which admits more readily of a fiendish sophistication in the mind of the perpetrator than any other form by which murder is committed'.⁶⁸ By detailing 'the most intense agony' caused by arsenic poisoning which corroded the stomach and bowels, the distinctive cruelty of the poisoner is also highlighted for, 'of the prolonged sickness and anguish of the victims, no account is taken'.⁶⁹ Again, this article cites famous, foreign cases to illustrate the menace but also includes recent incidents closer to home claiming, indeed, that 'with us, there is a numerical amount which far exceeds that of any other country'.⁷⁰

⁶⁷ 'The Ursinus', *Household Words*, 1855, Part. 12, pp. 176-180. *Household Words* was a middle-class periodical that set out to have a broad appeal, informing the respectable about social evils as they were perceived by their contributors. See E. M. Palmeigiano, *Crime in Victorian Britain: An Annotated Bibliography from Nineteenth Century British Magazines*, Greenwood Press, 1993.

⁶⁸ 'The Ursinus', p. 277.

⁶⁹ 'The Ursinus', p. 279.

⁷⁰ 'The Ursinus', p. 279. Indeed, the case of Emily Cage is cited as an example of how poison could be innocently procured by friends and relatives on behalf of murderers and completely oblivious to their criminal designs.

Colourful terms such as 'vampyre' and 'tigress' were not employed by the 'scientific' reportage of the newspapers to describe the three Suffolk women who were convicted of murder by poisoning, and unlike their famous, aristocratic counterparts in middle-class journal articles, they came from poor, labouring-class backgrounds. The response to their crimes, nevertheless, was clearly informed by a growing unease about the safety of the private sphere which was most threatened by the disturbing spectre of the murdering wife and mother. Mary Sheming's crime was represented as a premeditated and callous act which was 'calmly, quietly, systematically carried into effect'. In his summary remarks, the judge commented that:

It is quite clear from the nature of the transaction that there can have been no heat of blood - that there can have been no sudden transport of passion or anything leading to it; but that it must have been a deliberate design.⁷¹

As Mary Cage's trial reached its conclusion the judge reflected that, 'it is melancholy to consider the number of domestic instances of similar domestic murders that have disgraced the domestic and private history of this country'.⁷² Moreover, the reporting of all three cases was surrounded by precied accounts of 'More Poisonings' in other counties, suspicious local events, letters to the editor expressing concern or comment advocating restrictions on the sale of poison, suggesting a problem of endemic proportions. Indeed, following the trial and execution of Catherine Foster the *Bury and Norwich Post* published two letters written by 'A Norfolk Man in Ireland' which refer to 'the constant recurrence of late of these shocking cases of poisoning' and call upon the clergy and press to exercise their duty as 'the responsible public instructors'. He favourably compares 'poor Popish Ireland' with 'Protestant Norfolk and Suffolk where it

⁷¹ *Ipswich Journal*, December 14, 1851.

⁷² *Bury and Norwich Post*, August 6, 1851.

is almost as common for the women to poison their husbands as to marry', implying that the benefits of a more enlightened society, as he perceived it, offer no guarantees against this insidious menace. No man, he claims, can be sure of his safety, for, 'who is to guard against secret poisoning. What man can suspect that the woman who eats his daily bread is poisoning his cup?' The author of the letter also suggests a close association between this crime and female sexual deviancy, claiming that:

The ordinary cause of this revolting crime is the woman's infidelity [...] Adultery in a woman is the first step to murder and she who commits a breach of one commandment boggles at the others.⁷³

Whether the unusual interest in domestic poisoning cases in the mid century actually reflected an increased incidence of this crime is difficult to ascertain. Statistics for fatal poisonings, both accidental and deliberate, are blurred by issues of diagnosis, detection and administrative inconsistencies in the recording and labelling of crimes. Coroners' returns and court records do, however, indicate an increased incidence of intentional poisoning in the 1840's and 50's which, if nothing else, reveal ways in which contemporary perceptions may have been alerted or confirmed by official statements that carried the authority of statistical science. In his study of Old Bailey trials between 1839 and 1878, Thomas Forbes has documented 23 cases of poisoning for 1839-48 and 17 for the years 1849-58, as compared to no more than 7 cases in previous decades.⁷⁴ United Kingdom statistics for 1839-49, analysed by Peter Bartrip, indicate a total of 239 people tried for murder or attempted murder where poisonous substances were used.⁷⁵ As far

⁷³ *Bury and Norwich Post*, September, 1848.

⁷⁴ Thomas Rogers Forbes, *Surgeons at the Bailey: English Forensic Medicine to 1878*, Yale University Press, 1985, p. 128.

⁷⁵ P. Bartrip, 'A "Pennurth of Arsenic for Rat Poison"', p. 57. Bartrip draws on parliamentary returns and points out that figures such as these were seized on by those advocating regulation of poisons as evidence of a serious crisis.

as spousal murder was concerned, whether by poisoning or by other means, George Robb has calculated 1,000 cases in the nineteenth century, over 90% of which were committed by men. Although only 5% of husbands killed their wives by poisoning, some 20 cases in all, 55% of women disposed of their husbands in this way, representing 40 cases between 1830 and 1900.⁷⁶

The mid-century panic, therefore, probably amounted to a handful of husband poisonings but within public and official perceptions this was a dark episode in domestic history, anxiety culminating in the passing of an Act to Regulate the Sale of Arsenic in 1851.⁷⁷ It is likely that the economic distress and social and political concerns of this period contributed to the drawing of the figure of the female poisoner whose menace assumed such threatening proportions.⁷⁸ A backdrop of revolution in Europe, the Chartist movement, industrial discontent, and rural poverty and incendiarism contributed to a climate of insecurity. Home and family as a fortress against disorder and social upheaval, therefore, was invested with especial importance and the woman who poisoned represented a serious disruption of domestic harmony. At the same time the stirrings of an organised feminist movement, which advocated legal reform and access for women to education and the professions challenged patriarchal authority and generated fears of

⁷⁶ G. Robb, 'Circe in Crinoline', p. 177.

⁷⁷ This act required the recording of all arsenic sales. Both vendors and purchasers were to sign a book and any person seeking to buy the poison, who was unknown to the vendor, could only do so in the presence of witnesses who knew both parties. Adults alone were permitted to purchase arsenic and quantities under 10lb were to be mixed with soot or indigo. The initial bill also restricted sales to men. The act applied specifically to arsenic, which was considered to be the poison of the working class. See Bartrip, 'A "Pennurth of Arsenic for Rat Poison"', pp. 64-66.

⁷⁸ There are some parallels here with Lynda Nead's analysis of the representation of the prostitute as an 'agent of social chaos' in this period. See Nead, *Myths of Sexuality: Representations of Women in Victorian Britain*, Blackwell, 1990.

sexual antagonism. Alarmist representations of the poisoning woman absorbed some of these political concerns and cultural anxieties.

Furthermore, it is no accident that the increase in poison trials in the 1840's coincided with advances in forensic medicine. The professionalisation of medicine in general, and the development of the science of chemistry as an academic discipline in particular, enhanced the status and authority of forensic evidence at criminal trials.⁷⁹ In 1836 and 1841 the first tests for the detection of arsenic in the body were devised and, although they were neither highly refined nor reliable, great faith was placed in them and doctors confidently announced their newly developed skills of producing conclusive evidence in post mortem examinations.⁸⁰ Medical men such as Alfred Swaine Taylor, Professor of Medical Jurisprudence at Guy's Hospital, London, who appeared at nearly all trials requiring medical expertise, became 'celebrated heroes of Victorian science, casting their light into dark, domestic secrets'. Their concrete findings and definitive conclusions illuminated and exposed the mysterious circumstances of poisoning cases, the most difficult of all murders to secure conviction. Thus, 'Science provided the heroic, masculine response to the dark, irrational ways of criminal women'.⁸¹

The trials of Mary Sheming, Catherine Foster and Mary Cage, therefore, shared a specific historical moment in which a particular set of economic and social circumstances

⁷⁹ See T. R. Forbes, *Surgeons at the Bailey*. Also, M. Anne Crowther and Brenda White, *On Soul and Conscience: the Medical Expert and Crime*, Aberdeen University Press, 1988.

⁸⁰ The Marsh Test involved mixing dilute sulphuric acid and zinc with fluid from the stomach and intestines. If arsenic was present a white precipitate would be produced. Gastric and intestinal fluid was boiled with hydrochloric acid and copper foil in the Reinsch Test, producing a grey film if positive. It became routine for test tubes containing the results of tests to be passed round at poison trials. See Robb, 'Circe in Crinoline', pp. 180-81.

⁸¹ Robb, 'Circe in Crinoline', p. 181.

and political tensions converged with the march of science. The understanding and treatment of their crimes cannot be located outside of this context, for, in the detail of the legal and media response is to be found a negotiation of the threat these women embodied. It is a response, however, which is not without ambivalence. Unlike periodical articles that dealt with broad statements and bold caricature, reporting of the trials inevitably involved engagement with the very ordinary circumstances and everyday lives of these women. It was simply more difficult to represent the labouring class woman struggling to make ends meet as a 'vampyre', 'tigress' or monster of iniquity; equally, however, these terms of reference were not without resonance in the ways she was discussed. Moreover, although all three women were charged, tried and convicted of causing deaths of family members by poisoning, subtle differences remain in the reporting and representation of their crimes. Attention to these nuances advances us beyond an overarching statement of deviancy to distinctions and gradations that offer further opportunities for historical understanding.

Mary Sheming, Catherine Foster and Mary Cage: Their cases compared

Mary Sheming and Mary Cage were middle-aged women with grown-up children; Catherine Foster, on the other hand, was a young woman of eighteen, who had only been married for a matter of weeks before the suspicious death of her husband. In the newspaper reporting of their trials, the physical descriptions of the older women emphasise their poverty. Mary Sheming, for example, appeared 'in a faded red cloak and black bonnet'.⁸² Mary Cage, we are told, was:

⁸² *Ipswich Journal*, December 14, 1844.

Dressed in a coloured, faded shawl and black bonnet; there was nothing repulsive in her countenance, which was one of an ordinary description, though of somewhat drowsy appearance, giving indications that the prisoner was an opium eater.⁸³

Ultimately, these concessions to reduced material circumstances were not permitted to mitigate on behalf of the women though they contribute to a representation, which is, to some degree, ambivalent. They are not so much evil or unnatural women as weak and incapable; their failings render them pathetic but they cannot be exonerated of guilt. Of the three cases, the representation of Mary Cage's trial and execution, as reported in the newspaper, evokes the greatest sympathy. Living in 'a wretched state of poverty' with her husband she was also a victim of domestic violence. Neighbours reported how 'they lived very badly together', quarrelling frequently; indeed, Mary had twice left her husband to live with another man. In July 1850 James Cage served a prison term for beating his wife. At the time of his illness, Mary described her husband to a neighbour as 'a very wicked man, and she prayed to God to take him before the morning'.⁸⁴ Because of her troubled marriage Mary qualifies for a degree of compassion, but her actions remain inexcusable. The murder of her husband is deemed 'wilful' and 'wicked'; the violation of her wifely calling to support and serve him cannot be tolerated by any civilised judicial system, whatever the provocation. In summing up, the judge reminded Mary of the seriousness of her crime, which is defined, essentially, by her relationship to her husband rather than her actual experience of marriage. He remarked: 'It was very melancholy to think that a woman standing in relation which you did to the deceased should now be receiving sentence of death as his murderer'.⁸⁵ On the other hand, Mary's infidelity was not exploited at her trial and sexual deviancy was not raised as a significant

⁸³ *Ipswich Journal*, August 9, 1851.

⁸⁴ *Bury and Norwich Post*, August 6, 1851.

⁸⁵ *Bury and Norwich Post*, August 6, 1851.

issue in the definition of her criminality. It was clear, the judge observed to her, that she was not living with her husband 'on terms of kindness, affection and devotion', adding nevertheless, 'I pass by those attempts to connect your conduct with a dissolute and licentious course of life'.

Despite Mary's continued insistence on her innocence, in the crucial interval between conviction and execution, she was increasingly portrayed as long suffering, penitent, dignified and resigned to her fate. Although no written confession was forthcoming, her general penitential spirit was emphasised with satisfaction. We are told that she was receptive to, and grateful for, the spiritual ministrations delivered to her by the prison chaplain and that:

To his exhortations and advice she had listened with becoming seriousness, had professed sorrow for the abandoned life she led and expressed a hope that she may be permitted by God's Holy Spirit to obtain a means of grace.⁸⁶

In her interviews with the chaplain she spoke of her distress at the time she had left her husband, leading her to contemplate suicide. Since conviction, it was reported, she had scarcely eaten, was in an exhausted state and did not fear to die. Thus, in her general demeanour and mental preparedness, Mary Cage complied with and confirmed the judicial decision. Her final interview with her family is described as an emotional and 'trying scene' in which she presented each child with a personalised Bible, Testament and Prayer Book. She acknowledged the chaplain for his attentions and the matron for her kindness. As Calcraft, her executioner, placed the rope around her neck, the last words she uttered were those of Christ, 'Come unto me all ye that are heavy laden and I will

⁸⁶ *Ipswich Journal*, August 23, 1851.

give you rest'.⁸⁷ Thus, execution provides release from her burdened life. In the representation of Mary Cage's crime, trial and execution there is clearly a strong element of pity, tragedy and victimhood. As Annette Ballinger has suggested, the stereotype of woman as a pathetic or wronged individual offers an alternative to the 'mad/bad dichotomy' as it 'removes moral responsibility and agency for the crime'.⁸⁸ Mary's behaviour and bearing both in court and in the condemned cell mark her not as destitute of feminine instincts and feelings but tragically, morally compromised within the context of an extremely unfortunate domestic situation.

In terms of her manner and physical appearance, Catherine Foster, on the other hand, is defined not as wronged, weak and misguided but as rationally deviant. Her 'collected demeanour' in the dock is emphasised and serves to confirm her guilt. As the verdict was delivered she 'betrayed no symptoms of emotion', and 'bore the sentence almost unmoved, merely applying a handkerchief to her eyes at the conclusion'.⁸⁹ A report in the *Times* on Catherine's sentencing also presented physiognomic evidence of her blunted emotions and shameless, amoral crime:

Not a single tear glistened in her eye, which was unobservant and inattentive - not a single contraction of the facial muscles betokened the inward workings of suppressed feelings; but calm and composed she received the sentence as she had listened to the overwhelming evidence adduced against her, and she descended from the dock to the dark cell beneath with as light a step as if she had been convicted of petty larceny.⁹⁰

Indifferent even to her own fate, this woman certainly felt no compunction for others.

The 'darkness' of her cell symbolises her character and fate, whereas the 'lightness' of

⁸⁷ *Bury and Norwich Post*, August 27, 1851.

⁸⁸ Ballinger in *No Angels*, p. 1.

⁸⁹ *Bury and Norwich Post*, March 31, 1847.

⁹⁰ *Times*, March 31, 1847.

her step highlights her oblivion to the moral implications and personal consequences of her crime. At the same time, however, self-acknowledgement of guilt was necessary as a crucial affirmation of the outworkings of the judicial system and subsequent to her trial Catherine's supposed private confessions were prominently announced and published. Nevertheless, she retains a deficiency in "natural" feminine feeling and attributes, and her repentance is always tempered and hollow. Hence we are told that since conviction she 'evinces signs of great mental suffering, although she sheds no tears'. As she awaited her execution she prayed frequently 'but there was not that appearance of bitter compunction or deep humiliation for her offence, which was to be desired'. She parted with her mother 'without much emotion' and she 'walked with extraordinary firmness' to the scaffold.⁹¹ Throughout her trial and up to the point of her death, Catherine is portrayed as chillingly calm and composed and although she performs appropriately in an outward sense, she remains devoid of feeling and emotion, qualities which were absolutely central to the construction of femininity in this period.

Catherine's deviancy was aggravated by the fact that she had murdered her husband having been married to him for only three weeks. Not only, therefore, had she broken a fundamental social contract; she had showed callous disregard for it. Her friendship with John Foster had begun as a young girl at Acton school; when in service they met in church and walked together. Prepared to wait several years to marry her, Catherine had returned his affection and was 'the choice of his heart'. Moreover:

The person whom the prisoner was charged with having poisoned, was one to whom only three weeks before she had been united in marriage and whom she then vowed to love, honour and obey and cherish in sickness and in health.⁹²

⁹¹ *Bury and Norwich Post*, April 7, 1847.

⁹² *Bury and Norwich Post*, March 31, 1847.

Catherine's extreme transgression and the public fascination with her case are demonstrated by the production of a number of broadsheets, which related the story of her trial, confession and execution. Gallows accounts constituted one of the most popular forms of street literature in this period, providing immediate, cheap and brief responses to current events. According to Beth Kalikoff, the characteristics of these publications included imaginative embellishments by journalists, detailed descriptions of the mechanics of crimes and a strong, moral message delivered by the perpetrators themselves.⁹³ Richard Altick has suggested that such warnings and expressions of remorse helped to 'fend off the persistent complaints of the pious, that crime literature of the streets was morally poisonous'.⁹⁴ However, more than this, they fulfilled the need and expectation of the public to see moral and social order restored by the punishment of those who offended against it.

Upon initial examination three broadsides published at the time of Catherine Foster's trial and execution adopt such a similar format and content that they could easily be dismissed as formulaic. In essence they were, sharing almost identical titles, each including verses from the scaffold, a letter of confession and brief accounts of the trial.⁹⁵ In all three broadsides the verses use Catherine Foster as a moral exemplum, and fear of public shaming is a common feature, defined almost word for word as 'death of public scorn' (1), 'a dreadful death of scorn' (2) and 'die a death of scorn' (3). Closer inspection of the

⁹³ Kalikoff, *Murder and Moral Decay*, p. 12.

⁹⁴ Altick, *Victorian Studies in Scarlet*, p. 48.

⁹⁵ The three broadsides were entitled: 'Lines on the Execution of Catherine Foster', 'The Trial, Execution & Confession of Catherine Foster' and 'Trial, Confession & Execution of Catherine Foster'. Because they cannot be distinguished by author or date, for the purposes of this analysis they have been identified as 1, 2 and 3 respectively. A full copy of the verses referred to is included as Appendix 4.

verses, however, reveal subtle variations in tone and emphasis, indicating that Catherine Foster's 'voice' was not uniformly represented.

'Lines on the Execution of Catherine Foster' is related in the first person narrative, which is typically a more sympathetic perspective. Catherine's voice is made supplicatory and conscientious through her direct address to God:

**The solemn knell does most awful sound,
Oh! God, in pity on me look down;
Forgive my sins, and compassion take,
And grant me fortitude to meet my fate.⁹⁶**

By admitting her crime and appealing to the highest authority our emotional and judicious responses are immediately harnessed and the power of the reader is restricted. Unlike Catherine, her husband is kept at an emotional distance from us; he is given a formal title, 'J. Foster', and his personality and behaviour is kept to the briefest of comments - he was 'good and kind'. Furthermore in this, the most sympathetic of the broadside verses, Catherine Foster's motive is considered; she too is a victim, a victim of misguided parents who encouraged marriage for the wrong reason; hence her advice: 'Maids never marry against your will'. Once this sacred institution had been dishonoured, other moral violations including murder could succeed. In these lines psychological distress is given precedence and there is a rather solemn and downbeat atmosphere. The diction is sombre, the punctuation and structure pedestrian. Death begins and ends the poem, personal distress is evident and we feel pity for this individual who is 'scarce eighteen'.

⁹⁶ Broadside 1.

The verses in broadsides 2 and 3 are less supportive of Catherine Foster. The use of the third person narrative in 2 gives a greater sense of emotional distance, which allows the reader's judgement to intercede between Catherine and the narrative position. Although God and religion are referred to, it is a perfunctory exercise. In these two broadsides the didactic concerns are related specifically to 'Young women' (2) and 'pretty maidens all' whom Catherine exhorts to 'walk in virtuous ways' (3), implying that sexual deviancy lies at the heart of her crime. Her representation of her husband as:

**A kind and tender husband
A good industrious man,⁹⁷**

serves to accentuate her cruel betrayal of him. His victim status acts as a foil to Catherine's pathological urge. Motive does not occur to any significant degree; as was often the case in gallows literature of this kind motive was taken for granted or assumed to be already known to the reader. Rather, attention is focused on Catherine's random and seemingly motiveless actions, an outpouring of evil, which invites the reader's censorious judgement:

**When Foster to the home returned
He weary did sit down
He smiled on me, but I did gaze
Upon him with a frown
Venom raged within my breast
The poison was prepared
Which I to him administered
Devoid of fear and dread.⁹⁸**

In broadsides 2 and 3 sensationalist diction such as 'venom', 'breast', 'fatal', 'bosom', 'dungheap' all create a prurient and voyeuristic feel to the poems; we feed off Catherine Foster rather than understand or sympathise. Death is also used in a rather sensationalist manner; there is a sense of indulgence and cruelty in the focus on her youth, her

⁹⁷ Broadside 3.

⁹⁸ Broadside 3

attractiveness and her fate. Additionally, the titillating misogynistic conception that beauty in a woman is an inherently evil feature is evident:

**Behold a female in her prime,
In health, and youth, and bloom,
Hurried from all earthly joys
Unto a silent tomb.⁹⁹**

**In youth and bloom on the fatal tree,
Oh! Lord! In mercy look down on me.¹⁰⁰**

As the three broadsides illustrate there is not a single voice that represents Catherine Foster and her crime, though dominance is assigned to her sexual deviancy and moral bankruptcy. In a further publication inspired by this case, *A Voice from the Gaol or the Horrors of the Condemned Cell*, published in London as part of a collection of songs and ballads, the hitherto veiled threats of infidelity are more explicitly referred to, possibly reiterating local rumour.¹⁰¹ Catherine's physical attractiveness is again highlighted for, 'by her prepossessing appearance and engaging manner [she] had obtained for herself the somewhat flattering title of the "Belle of the Village"'. As for her visit to Bury, this account suggestively claims that she had only lived with her aunt for part of the time, although 'where else cannot be ascertained', thus insinuating infidelity and subsequent regrets about her marriage as a basis for her crime. Clearly, Catherine's actions were understood within the context of her idealised role as the wife of John Foster. Depicted as a loving husband, toiling honestly and in all innocence, his death evokes the brutal felling of a robust and productive masculinity and the awfulness of Catherine's offence against him is accentuated. Described in broadsheet 3 as a 'healthy young man' who

⁹⁹ Broadside 3.

¹⁰⁰ Broadside 2.

¹⁰¹ *A Voice From the Gaol or the Horrors of the Condemned Cell*, London, 1847.

‘had been known scarcely to have had a serious illness’, his premature and unnatural death at the hands of the one person whose love and loyalty should have been beyond doubt, constituted the most serious of betrayals. In the commentary following the publication of Catherine’s confession, a moral and spiritual testimonial to John Foster served to illuminate his wife’s contrasting deficiencies:

John Foster, the victim of her crime, was a man of exemplary character, and remarkable piety. Since their marriage he had kept up the practice of family prayer, and in his dying hour he invited his murderer to join him in devotion, which she did, with what sort of feeling, it is not easy to imagine¹⁰²

In the final analysis, Catherine Foster is an aberration of her sex, a destroyer of virtuous and vital manhood who has no real claims on victim status herself. Her deviancy exemplifies in alarming ways the destructive potential of the woman within the home who chooses to abuse her position, violating rather than edifying the sacred institution of marriage.

Unlike Catherine Foster, whose violence against her husband could not be mitigated by extenuating circumstances, Mary Sheming’s conviction for the murder of her grandchild is located within the context of her poverty. Concessions to her economic predicament, however, are limited and like her younger counterpart Mary is also judged by her performance as a woman; in this case it is an assessment of her maternal abilities, which assumes paramount importance in the construction of her deviancy.

Witnesses at the trial of Mary Sheming focused attention on the economic imperatives, which may have driven her to the desperate measure of taking the life of her daughter’s

¹⁰² *Bury and Norwich Post*, April 7, 1847.

second illegitimate child. The carpenter to whom Mary spoke of the forthcoming need for a child's coffin, relayed to the court how:

She then complained of her daughter having two children, and that the father of the last child had not sent anything since her daughter came home - that unless there were some allowance, something must be done - that if there was no allowance, to the Union House they must go, as her husband could not afford to keep the children without some relief.¹⁰³

Jane Brett, Mary's neighbour, also testified how on three occasions, 'when she has had nothing to make use of for her family', Mary complained about the added burden of providing for her daughter's children when she had scarce resources to feed and clothe her own. Ultimately, however, as her trial progressed and moved towards its conclusion Mary was judged to be a 'dreadful example of a mother, so thoroughly reckless of truth, and so deeply sunk in degradation'. It is moral failing which underscores her social transgression. Whilst awaiting execution, Matilda, Mary's daughter was herself serving a three month sentence for a felony, 'a fact', it was claimed, 'which shows the deplorable state of the culprit's family and the mismanagement of a mother, herself fifty-one years of age and the parent of six children'.¹⁰⁴ Clearly, her daughter's crime is represented as an indictment of Mary's neglect, her lack of moral and spiritual direction and an inability to fulfil her maternal obligations. Mary's desperate shortage of resources becomes lost in an assault on her personal character. At her trial, Mary vehemently declared her innocence, implicating her own daughters in the death of the child. This was interpreted as further evidence of her barrenness of maternal feelings; a woman 'seeking to sacrifice others to save herself'.

¹⁰³ *Ipswich Journal*, December 14, 1844.

¹⁰⁴ *Ipswich Journal*, January 18, 1845.

Mary's persistent denial of her guilt, however, unsettled the authorities who were anxious that her execution should not be surrounded by any ambiguity, which might invite a sympathetic public response. A respite was granted by the Secretary of State 'in order that the most merciful course should be taken and that the public should not be left under the impression that the culprit was innocent of the crime for which she was to suffer'. Little detail is reported of the investigations that followed, merely that her statements with regard to her daughters had been proven to be false. Every effort was made, however, to represent Mary's behaviour as she awaited her execution as consistent with her guilt. We are told, for example, that since her conviction she was 'civil and respectful' but only attended chapel once, that 'a penitent spirit was manifested occasionally, so far as outward appearances went [...] but the culprit was too apt to suffer her thoughts to recur back to the world'.¹⁰⁵ Her limited success in the performance of these final, spiritual preparations articulated her moral shallowness and confirmed that justice was being done. The reports of trials and their aftermath, therefore, were more than formulaic narratives; rather they were organic scripts responding to unfolding events and developments.

The account of Mary's execution in the *Ipswich Journal* was followed by a statement about her 'indifferent character' as a continuing justification of the carriage of justice. We are told how, 'In early life she led a most abandoned course, long before she married', further demonstration of the close association made at this time between female sexuality and crime. Whatever evils had befallen her own children, it was claimed, 'can be attributed most to the vicious example of their abandoned parent', an inheritance of moral corruption. Mary's insistence on her innocence, it appears, resulted in a

¹⁰⁵ *Ipswich Journal*, January 18, 1845.

perceptible shift in representation in order to assert the moral integrity of the judicial process. In the final analysis, she is portrayed as a woman who has forsaken all feminine attributes, who is devoid of humanity and morality, for:

During the whole course of her imprisonment, her conduct was distinguished by cunning and falsehood - at one time feigning illness to excite sympathy, at another manifesting the most apathetic indifference to her fate; and completing her iniquity at the trial, and subsequent to her return to prison, by endeavouring to fasten the crime of murder even upon her daughters, completing the infamy of her character, by hypocritically declaring with her dying breath, 'my wicked children have brought their mother's grey hairs with sorrow to the grave.'¹⁰⁶

It is Mary's performance, not only as a woman and a mother, but also her refusal to show contrition and to comply with what was expected of her as a condemned criminal which explains the declining sympathy and growing hostility to her position.

Indeed, in the cases of all three women the focus of attention on the behaviour and final words of the condemned prisoner was of far greater significance than mere curiosity or ghoulish interest. Kathy Laster has argued that, whatever particular form it may take, 'an execution by the State is like no other death', as the State is always concerned to legitimate the right to take the life of its citizens.¹⁰⁷ The final presentation of the convicted, therefore, was crucial, offering either confirmation or challenge to the pronouncements of the courts. Mary Sheming's stay of execution demonstrates a sensitivity to the political importance of her final image and public standing as she went to the scaffold. Furthermore, kind treatment of the condemned was intended to suggest a reluctant exercise of State power; the carriage of justice was a serious matter of duty,

¹⁰⁶ *Ipswich Journal*, January 18, 1845.

¹⁰⁷ Kathy Laster, 'Famous Last Words: Criminals on the Scaffold, Victoria, Australia 1842-1967', *International Journal of the Sociology of Law*, 1994, Vol. 22, p. 2.

but life was not to be taken lightly. As Laster also highlights, the reporting of touching last farewells between the condemned and family members, often provided an opportunity for expressions of contrition and self-acceptance of their fate, even if they continued to proclaim their innocence of the crime.¹⁰⁸ An account of Mary Sheming's parting with her family is described in painfully emotional terms, despite her insistence on her daughters' involvement in the death of the child. When Matilda took her final leave of her mother, her shrieks were so piercing that 'they were heard over every part of the prison'. At this point, 'the wretched culprit [...] fell upon her knees, in a paroxysm of grief, and prayed fervently to God on behalf of her child'.¹⁰⁹ In her last interview with Caroline, the mother of the dead child, 'she exchanged mutual forgiveness for the past, and invoked blessings upon the whole'. As Laster has argued, 'The State was quick to mobilise the resources of the family, particularly women and children, as a way of maintaining control over the condemned'. With emphasis placed on spiritual exercises and the ministrations of clergymen, 'it could also depend upon the powerful techniques of the Church'.¹¹⁰ As in the case of Catherine Foster, the failure to become sufficiently moved by these efforts provided a means of distinguishing between greater or lesser levels of moral degradation.

Executions themselves, however, presented the most significant considerations of social control; as the nature, mood and response of the crowd were difficult to anticipate their careful orchestration and smooth operation were crucial issues of public order. The scaffold was not renowned as a highly sophisticated or reliable instrument and what was intended as a sombre moment could so easily develop into farce. By the mid-nineteenth

¹⁰⁸ Laster, 'Famous Last Words', p. 8.

¹⁰⁹ *Ipswich Journal*, January 18, 1845.

century acute anxieties surrounded the policy of public execution. There existed an ambivalence in attitudes which is demonstrated by two letters published in the *Suffolk Chronicle* at the time of Mary Cage's execution, one setting out moral and religious objections to what was emotively referred to as 'public strangling', and the other arguing that only the threat and spectre of execution could deter would-be women murderers.¹¹¹ In the reporting of a poisoning in Eastgate Street in Bury St. Edmunds shortly after the trial of Catherine Foster it was claimed that the suspect, Hannah Rowse, had witnessed Catherine's execution and may have been inspired rather than repelled by her example.¹¹² Such ambivalence and anxiety was also given clear expression in the reporting of the deaths of Mary Sheming, Catherine Foster and Mary Cage.

Preceding the execution of Mary Cage, the *Bury and Norwich Post* reported the 'decision of the Ipswich Ragged Schools to give the children their annual treat to Harwich on the River Queen steamer on the day she was to be hanged, in order to prevent them attending the "revolting spectacle"'.¹¹³ The Editor of the *Suffolk Chronicle*, however, expressed his concern that this would associate the event with a "treat" and suggested that a religious service might have been more efficacious. Clearly, attendance at public executions was increasingly felt to be morally contaminating and socially dangerous, exciting passions and presenting opportunities for public disorder. The size and conduct of the crowd unfailingly attracted comment. Mary Cage's execution was delayed for several days after it was discovered that there was no available executioner; on the morning of her death confusion about the date resulted in the crowd

¹¹⁰ Laster, 'Famous Last Words', pp. 8-9.

¹¹¹ *Suffolk Chronicle*, August 16, 1851 and August 23, 1851.

¹¹² *Bury and Norwich Post*, May 19, 1847.

¹¹³ *Bury and Norwich Post*, August 23, 1851.

gathering slowly at first but it 'speedily increased' as 'streams of women, artisans and labourers [...] paired along the several thoroughfares leading to the place of execution'.¹¹⁴ Attendance of the event was defined as distasteful and inappropriate, the report emphasising that 'very few respectably dressed persons were to be seen and most of the houses within view had their blinds drawn down or the shutters closed'. The presence of detachments of the County and Borough Police indicates that public order was perceived to be a real issue. Similarly, Catherine Foster's execution was reported to have been attended by 'a vast concourse of persons' of at least 10,000 people. Although the majority conducted themselves 'with decency', 'the streets were thronged till night like a fair day and many instances of intoxication presented itself'.¹¹⁵ An orderly execution was difficult to achieve and public disorder represented both a threat in itself as well as symbolising what was considered to be an irreverent and inappropriate response to the occasion. Confidence in the educative effectiveness of public hanging was clearly waning.

Perhaps the most graphic demonstration of the discomfort and anxiety surrounding the public spectacle of the scaffold is made in the reporting of Mary Cage's death. Efforts were made to conceal as much of the event from the crowd as possible, so that the ceremonial drama that was witnessed became a carefully staged production. The *Ipswich Journal* reports how:

The railing around the scaffold was covered to the height of 5' with black drapery, so as to leave only the drop visible. This arrangement, while serving to conceal from the crowd below the appearance of the culprit until the final moment, was well

¹¹⁴ *Ipswich Journal*, August 23, 1851.

¹¹⁵ *Bury and Norwich Post*, April 21, 1847.

calculated to add to the sombre and repulsive look of the structure.¹¹⁶

This attention to sobriety and solemnity further illustrates the seriousness of concerns that the right moral messages were both given and received. The correct demeanour and deportment of the condemned had, therefore, to be achieved as she processed from the gaol door to her place of execution. Supported by two female warders and led by the Under-Sheriff and the Governor of the gaol, Mary Cage's progress across the courtyard and to the entrance lodge where the scaffold had been erected was described in sombre, tragic, yet dignified terms. We are then told how, on arrival at the lodge:

The woman's arms were corded, and, at her own request, a handkerchief was fastened over her eyes, so that she might not see the scaffold. The wretched creature was assisted up the steps to the scaffold by one of the turnkeys, but it was not until she commenced the ascent to the drop that she came in view of the crowd. A death-like silence then prevailed.¹¹⁷

After the rope and other adjustments were made, a bolt was drawn and Mary's death by strangulation was accomplished; at this point, 'she alone was left in sight'.

The solemnity in the reporting of the event of Mary's execution stands in contrast to the drunkenness, rowdiness, anger or excitement it was feared might be exhibited by the crowd. There is a sense in which the staging and recounting of her execution is intended to direct the responses of those who went to participate in the event or consume the accounts it inspired. At the same time it was hoped that the horror of death by strangulation would serve as a graphic reminder of the grave consequences which must be the penalty for such heinous crimes. This agenda need not necessarily be understood in terms of any crude mechanism of social control, for murder committed by ordinary

¹¹⁶ *Ipswich Journal*, August 23, 1851.

¹¹⁷ *Ipswich Journal*, August 23, 1851.

people in the domestic context also disrupted and unsettled local communities. Execution restored order and offered atonement, even if the desire for redress was tempered by sympathy and empathy for the condemned.

The reporting of Mary Sheming's execution and its effects on her attendants, both evoke the sympathy and pity of the reader and convey something of the physical and emotional reality of her fate. As 'the wretched culprit' passed through the door of the gaol into the open air, she felt the executioner's hand of assistance on her arm. We are told that she 'seemed taken by surprise, and with a deep shudder turned her face to the functionary, with a look indicative of horror, sighed deeply, and exclaiming deeply in piteous tones "Oh dear, Oh dear"!',¹¹⁸ Mary's realisation of what she was to suffer is shared with the reader as is the 'agony of mind' of the Matron of the gaol who was so overcome by the pain of the occasion that she felt compelled to retire from the scene. As Mary was pinioned in preparation for her execution, it was still hoped that 'in this awful position she might have voluntarily relented and made a confession, and acknowledged the justice of her sentence'. In considerable detail the report relays Mary's panic and distress as she implores the executioner who was binding her arms and hands not to hurt her. As he pulls the white cap over her face she cries, 'stop Sir, I cannot breath. Let me get my breath awhile. Just pull it a little', struggling to lift the cap herself, despite her arms being tied. There followed five minutes of 'impressive prayers' from the Chaplain who we are told anxiously watched the condemned woman for any sign of a confession. Clearly, Mary's refusal to acknowledge her guilt was an outstanding issue and the indignity of her death serves to demonstrate her troubled spiritual condition and her

¹¹⁸ *Ipswich Journal*, January 18, 1851.

failure to reconcile herself with God. With no confession forthcoming, the executioner cut the cord, the platform fell and 'this world, and all its cares, closed upon the wretched criminal for ever'. The variations in the accounts of Mary Cage's and Mary Sheming's deaths illustrate how the scaffold drama could be scripted and scanned for recalcitrance and deviancy and equally for a more humanitarian and sympathetic response.

The crudest attempt to convey the physical realities of death by strangulation is made in *A Voice from the Gaol or the Horrors of the Condemned Cell*, which was published following the execution of Catherine Foster. The 'voice' is that of Catherine herself who delivers the ultimate moral warning by revealing her personal reflections on her impending fate. One suspects, also, that this writing made a crude appeal to a macabre and prurient public appetite for blood and gore. Catherine describes herself as doomed to a fearful death:

The death of apoplexy - death by a gush of blood to the brain, the tenderest part of the human body; a death that would leave me dangling in the air, while I could not even gratify the natural impulse of holding up my hands to save myself.¹¹⁹

She also describes her anguish at the thought of eternal separation from her family, and how in her 'dungeon' awaiting the carrying out of her sentence she contemplated the happiness of others in stark contrast to her own wretched position:

I thought that while some fond couple were being formed in the bonds of eternal love, or while some father was hailing the birth of his first son. While in a word, millions and millions were supremely happy, joyous and gay, I thought I was the most wretched, miserable being in the world.¹²⁰

¹¹⁹ *A Voice From The Gaol*, 1847.

¹²⁰ *A Voice From the Gaol*, 1847.

Significantly, Catherine's voice is restricted; she is allowed to speak from the condemned cell and the gallows but as the account shifts to the details of her crime and trial, Catherine's authorship is replaced by the voice of a third person wresting control of the narrative from her. The reader can thus identify with her terrible fate and her abject misery and isolation but is distanced from any personal motivation for her crime.

Indeed, in the representation and reporting of all three cases, the voices of the female perpetrators themselves are carefully controlled. In the newspaper accounts of their trials and executions and in the ballad and street literature which accompanied Catherine Foster's crime, the public were allowed to identify most with their remorse, if it could be elicited, their punishment and death, but not with the actions they took. There is unrelenting focus on the consequences of their deviant conduct. Assuming that they committed the crimes they were convicted of, Catherine Foster and Mary Cage's decisions to kill their husbands are not explored in terms of rational motive, for the more the reader of these reports was encouraged to engage with these women as perpetrators of violent crime, the less clear-cut the moral lesson would become. Even in Mary Cage's case where her husband's role of abuse in inciting his wife to murder is acknowledged, her violent resistance has limited expression and is ultimately judged as unjustifiable and destructive of political and social order. Similarly, Mary Shering's crime in murdering her grandchild is only tentatively explored within the context of her poverty, as to acknowledge conditions and motive was to grant her a voice. In the end, it was not just the murders themselves that were threatening but the self-articulation or representation of these women as subjects. As 'secret poisoners', Mary Shering, Catherine Foster and Mary Cage were perceived to have violated the home and abused their positions as wives and mothers; their executions were seen to restore moral order and the domestic

hierarchy. At the same time, however, the tensions in the reporting of their crimes highlight the contradictions between women's subordinate position and the home as an arena of female power.

Chapter Six

Female fictions: Stories of women who kill

As the previous chapter has explored, women who killed in early and mid-Victorian England constituted a tiny minority, yet the extensive media coverage of their cases which pursued them to the scaffold, belies a cultural fixation with murder in general and deeply embedded anxieties evoked by the figure of the murderess in particular. Sensation does not date and sex and violence are enduring themes; however, it is in the particular forms that the stories take and the ways in which they are articulated and presented that insight is offered to the cultural historian. Although the present chapter will deal primarily with imaginative fiction, this is not to imply that the genres were unconnected nor that press accounts can be regarded as a documentary of official reality and novels as distinctly creative, products of imagining. As different forms of narrative they each participated in constructing the identities of criminal women, but also collaborated in particular ways.

In their recent works both Patrick Joyce and Judith Walkowitz have elucidated a conceptual framework for the relationship between narrative and history. Concerned with 'the subject as self' and as having an imagined collective identity, Joyce argues for

‘the centrality of narrative to the formation of social identity’.¹ Moreover, the distinction between representation and reality cannot be rigidly drawn, for:

Whatever theoretical understanding we have of narrative it invites us to dissolve the traditional dichotomies of a realist epistemology in which representation and the ‘real’ are kept at arm’s length, the former being understood as representing or reflecting the latter.²

Stories, therefore, whether official or unofficial, whether they flow from the pen of the journalist, the broadside writer or novelist are crucial in the construction of identities. The conventions of the various genres, however, their rhetorical strategies, the interconnections between the forms and contemporary perceptions of their relative authority and status are also key considerations in evaluating their cultural significance. In *City of Dreadful Delight* Judith Walkowitz, for example, highlights the power of sensational journalism in its coverage of narratives of sexual danger, such as the Jack the Ripper murders, in the late nineteenth century. These narratives described class exploitation, raised the spectre of a predatory masculinity and warned of the dangers, particularly to women, of straying from hearth and home and entering public space. ‘In the process’, Walkowitz claims, ‘such narratives influenced the language of politics, fictional forms, and journalistic innovations in *fin de siècle* London’.³

Fictional narratives of murdering women produced in the middle decades of the nineteenth century provide the particular focus of this chapter. The criminal sketches of murderesses, both textual and visual, which appeared in the 1863-64 edition of the *New Newgate Calendar*, will be explored alongside Thackeray’s novel, *Catherine*, which was

¹ Patrick Joyce, *Democratic Subjects: The Self and the Social in Nineteenth Century England*, Cambridge University Press, 1994, p. 153.

² Joyce, *Democratic Subjects*, pp. 153-154.

³ Judith Walkowitz, *City of Dreadful Delight: Narratives of Sexual Danger in Late Victorian London*, Virago, 1992, p. 5.

written in protest against the Newgate Fiction of the period. Typically, the female subjects for each of these fictional pieces was supplied from criminal trials first recounted in local and national newspapers, establishing a strong link between the genres and asserting the rapidly expanding powers of the press. For, newspaper stories in the nineteenth century were becoming an increasingly important instrument in the representation of everyday life, informing the ways in which readers conceived and perceived their world. J. Don Vann and Rosemary T. VanArsdel have gone so far as to suggest that:

Out of the welter of events, the newspaper makes an arbitrary selection, declaring, "This is what happened". Its readers literally become subscribers to a consensus, tacitly ratifying the news values of the journalist.⁴

Whilst the interaction between what is being produced and what is being consumed must also be added to the equation, there can be no doubt that editors and journalists occupied a privileged position in their selectivity of 'reality', merely by disclosing some events and issues and evading or ignoring others. At the same time, the role of the reader should not be overlooked; as an appetite for news and print developed in this period, those who could and wished to consume demonstrated their preferences in the choices they made between one newspaper or periodical and another. To some extent, therefore, the reader 'called the tune to which writers and editors danced'.⁵

Criminal trials and the law courts offered the press a regular supply of stories that promised human interest, sensation and a glimpse of the dangerous margins of society, so

⁴ J. Don Vann and Rosemary T. VanArsdel, eds, *Victorian Periodicals: A Guide to Research*, Vol. 2, The Modern Language Association of America, 1989, p. 4.

⁵ Richard D. Altick, *The English Common Reader: A Social History of the Mass Reading Public 1800-1900*, The University of Chicago Press, 1963, p. 5.

popular with nineteenth-century readers. From the late 1830's journalists armed with a new standardised form of shorthand were able to present verbatim reports of cases which gripped the public; their accounts of trials were presented as literal "truth". At the same time the procedure of the courtroom provided a ready-made narrative framework, a plot that developed from the ceremonial opening of the Assizes to the presentations of the counsels for the prosecution and defence, the calling and cross-examination of witnesses, culminating in the summary remarks of the judge and the passing and execution of sentence. Given the authoritative claims of journalism in this period and the narrative formula supplied by the court cases themselves, it is hardly surprising that many authors scoured the press for material on which to base their latest fictional pieces. At a time when the documentary approach, or fiction founded on 'hard fact', was trusted more than the creative imagination alone as a basis for literary works, a novel's identification with a contemporary or recent case conferred a sense of reality, which enhanced the horrific, sensational or tragic elements of the story.⁶ This seemed to apply even if the ensuing narrative retained little of the detail of the original reporting beyond names, dates, location and final outcome.⁷

Any categorisation of literary production along clear-cut fictional and non-fictional lines is, therefore, artificial and unhelpful. Nineteenth century journalists may well have prided themselves on their scientific reporting, conveying the 'facts' free from bias and interference; in reality, however, they drew on, and contributed to, a cultural repertoire

⁶ For a full discussion of the developing relationship between journalism and fiction see J. Don Vann and Rosemary T. VanArsdel, *Victorian Periodicals: A Guide to Research*, pp. 5-7.

⁷ A good case in point is the *New Newgate Calendar*'s serialisation of the Red Barn murder which opened with a verbatim account of the trial from the *Times* but proceeded to tell a very different tale incorporating fortune tellers, a London Underworld and supernatural elements. See chapters 1 and 2 for a full discussion.

of motifs and ideological assertions which were connected to the historical conditions of the period. Writers of imaginative literature, on the other hand, often regarded their work as an illumination of actual happenings; their writing, it was claimed, purveyed moral “truths” which could instruct its readers and improve society. It was the same sensational cases of both contemporary and earlier crimes which were told and retold in sociological articles, journalistic reporting and a range of fictional writing which encompassed penny dreadfuls and “respectable” literature; these forms often explored the same subject matter, but the conventions of the genres helped shape its treatment, allowing for some possibilities and denying others. The situation of individual pieces could also contribute to this blurring; much of the fiction of the period appeared, initially at least, in periodical and serial publications, occupying space alongside history writing, philosophical and theological discussion, travelogues and critical essays. As a result each narrative was ‘instantly and always contextualised, embedded in a matrix of other pieces which make up the issue in which it appears’.⁸ This juxtapositioning informed the reading and interpretation of individual writings, their close association inviting overlap and cross-fertilisation of ideas. As Laurel Brake observes:

At all levels of Victorian culture, imaginative literature was demonstrably integrated into a cacophony of discourses as imagined in the magazine format; it was intrinsically what we now call “intertextual” and “multidisciplinary”.⁹

Clearly, journalism and literature were not segregated by precise and mutually exclusive boundaries; they co-existed within the periodical press and also within the imaginations of both authors and readers. Non-fiction writing, for example, enjoyed considerable status and dominated periodicals, particularly in the first half of the nineteenth century; in

⁸ Laurel Brake, ‘Writing, Cultural Production and the Periodical Press in the Nineteenth Century’, in J. D. Bullen, ed, *Writing and Victorianism*, Longman, 1997, p. 54.

⁹ Brake, ‘Writing, Cultural Production and the Periodical Press’, p. 63.

terms of its ability to thrill, excite and absorb, it enjoyed all the potential of the romantic or crime novel. Moreover, journalistic and non-fiction writing claimed the advantage of “authority” whilst often indulging in salacious and sensationalised accounts. Popular literature, therefore, cannot be extracted from the context in which it appeared any more than the inter-connections between the forms can be ignored.

Collections of criminal biographies based on the Newgate Calendars were probably regarded by their readers as “true” documentary accounts, as they dealt with historical and contemporary crime stories. First published in the early eighteenth century, their popularity was to be enduring. The original *Newgate Calendar* was published in 5 volumes in 1773 and was revised and extended in 1814 and 1818. However, the chief collection of criminal biographies for the nineteenth century was made by two lawyers, Andrew Knapp and William Baldwin and first appeared in 1809 and 1810. It became best known in its final enlarged form, the *New Newgate Calendar*, which was published in 6 volumes between 1826 and 1828.¹⁰ The *New Newgate Calendar* was re-published throughout the century attesting to an enthrallment with the ‘remarkable lives and trials of notorious criminals, past and present’ in this period. The 1863-1864 edition was published in penny-serial form and graphically illustrated; the most infamous cases occupying several issues as the reader’s hunger for sensation was skilfully exploited.

The development of this penny literature in the nineteenth century was clearly in response to a growing, popular demand for cheap and thrilling reading material. David

¹⁰ Keith Hollingsworth, *The Newgate Novel 1830-1847: Bulmer, Ainsworth, Dickens and Thackeray*, Wayne State University Press, Detroit, 1963, p. 62. See also Victor E. Neuburg, *Popular Literature: A History and Guide*, Penguin Books, 1977, pp. 165-167.

Vincent has argued that whilst the popular taste for sensation was no novelty, 'publishers made visible what had previously been hidden in the oral tradition'. He continues, 'The delight in the bizarre and the violent long predated mass literacy, the achievement of the new era was the infusion of the fabulous with a particular sense of everyday reality'.¹¹ It is significant, therefore, that the *New Newgate Calendar* included the words 'remarkable' and 'notorious' in its title, but equally important is the sense of actuality and "truth" which derived from the telling of "real life" crimes which could be traced to the records of the judicial system. As in the newspaper reporting of murder cases, the appeal of this literature was in its blending of the exceptional with the ordinary, for as Vincent comments:

At the heart of the material was the conviction that the commonplace was suffused with the tragic, and that extremes of emotion and fortune were best conveyed through the detail of daily life. Thus, every effort was made to locate the characters and events in concrete settings.¹²

For readers whose horizons were limited and who lived out monotonous, daily routines this literature offered excitement and imaginative release; it indulged the curiosity, amused and provided an opportunity for escapism. The pleasure of reading this literature was, therefore, enhanced by the scandalous and appalling nature of the stories which, because of their location in everyday life, forged a connection with its audience, an identification which could be enjoyed at a safe distance. In short, 'in exchange for a penny, the barely educated expected to meet themselves in their own world'¹³, but also to share in the most shocking and thrilling of events, transported via their imaginations beyond the mundane and the commonplace.

¹¹ David Vincent, *Literacy and Popular Culture: England 1750-1914*, Cambridge University Press, 1989, p. 205.

¹² Vincent, *Literacy and Popular Culture*, p. 206.

¹³ Vincent, *Literacy and Popular Culture*, p. 206.

On October 24, 1863, the first issue of a penny serialised edition of the *New Newgate Calendar* opened with the story of Catherine Hayes, 'a most notorious murderess' who, in 1726, was burned for petty treason having been found guilty of the murder of her husband.¹⁴ The selection of this particular story to launch the new edition would have been the result of careful, commercial consideration, testifying yet again to the cultural potency of the woman who killed. Catherine's crime is represented in terms of deviant female sexuality, superficiality of character and a defining feminine vanity; her story, therefore, plays out a familiar theme at this time for, according to Beth Kalikoff:

Throughout popular literature on murder[...]runs a fear of unrestrained sexuality, especially women's, a fear of being attacked by members of the family or social circle, and a growing belief in the decay of morality.¹⁵

As a child and young woman, Catherine's disregard for honest, labouring-class, village values together with her physical attractiveness, signalled her destiny for a life of immorality and crime. Described as the lazy and errant daughter of 'poor but hardworking people' who 'struggled to live respectably', she was indulged and 'ran about wild, petted and fondled by her parents'.¹⁶ After her father's death when Catherine was fourteen, his impoverished widow was left to struggle in increasingly difficult circumstances. Despite this, 'at home Catherine was idle, obstinate and sulking, working but little to assist her mother, but ever-bent on making finery in which to adorn

¹⁴ From 1352-1790 the murder of a husband was given a special legal status – that of petty treason – which distinguished it from all other forms of murder. Indeed, husband killing was made analogous to high treason and the punishment, burning at the stake, was different than for other murderers. See Frances E. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England*, Ithaca NY, 1994.

¹⁵ Beth Kalikoff, *Murder and Moral Decay in Victorian Popular Literature*, UNI Research Press, Michigan, p. 2.

¹⁶ *New Newgate Calendar, Containing the Remarkable Lives and Trials of Notorious Criminals, Past and Present*, Vol. 1, October 24, 1863, p. 2.

her pretty person'. It was not long before Catherine's 'well-grown handsome figure' began to attract the attention of the young men of the village though it was her meeting with a 'handsome and unprincipled stranger', a young gentleman at the Village Fete, which was to seal her downfall. Thus, 'Catherine Hayes, led away by her headstrong passions, lost all held most dear among virtuous women, before she had reached her sixteenth year'.¹⁷ Catherine's deviancy is reinforced by the contrast drawn between her moral flippancy and her mother's virtue and exemplary conduct; one is a model of female integrity, the other the very antithesis of "natural" womanhood. Within a single sentence Catherine's character is judged against a domestic ideal lived out by her mother. We are told how: 'With a mother's love she seldom left the cottage, but slaved at home while her only darling tripped lightly and stealthily over the Village Green to keep tryst with her paramour'.¹⁸ Catherine's movements are furtive and irresponsible and her clandestine sexual relationship removes her from the only secure environment available to women.

The moral messages prescribed by Catherine Hayes' story are simple and crudely elaborated, as was typical of penny literature of this period. Neglect of familial responsibilities in the form of parental indulgence and filial disobedience precipitate dire personal consequences and serious social repercussions. There are no concessions, compromises or uncertainties; as Vincent observes, 'however acute the pressures bearing down on the heroes and heroines, the choices they faced were never complicated, their outcome never ambiguous'.¹⁹ Catherine's rejection of her parent's values divest her of

¹⁷ *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 2.

¹⁸ *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 3.

¹⁹ Vincent, *Literacy and Popular Culture*, pp. 207-8.

any protection; exposed and vulnerable she is easy prey to the 'wiles of a titled seducer, clad in ermine, tinsel and glitter'.²⁰ Having compromised her virtue, her spiralling downfall is inevitable and remains relentlessly focused on her sexual deviancy. After quarrelling with her mother, Catherine leaves the parental home. On becoming pregnant the visits from her 'handsome lover' decline and she seeks 'consolation from two or three gay young men in the neighbourhood, accepting presents and money from them'.²¹ Catherine's sexual status is now defined as a prostitute, a fallen woman who is devoid of any moral scruples. Her child is abandoned at the door of James Billings, a farmer, and is brought up at the charge of the parish. Catherine even robs her own mother who dies within twelve months; she becomes associated with a group of military recruiting officers who persuade her to accompany them to Gloucester, where she meets and seduces John Hayes, a 'steady, honest and industrious' young man to whom she is married. John's good character and moral rectitude is contrasted against Catherine's 'vicious temper' and her 'natural extravagance and love of dress and high living'. After a number of years the couple move to London and Catherine becomes acquainted with Thomas Billings, a journeyman with whom she shares lodgings. He is, in fact, Catherine's illegitimate son and they form an incestuous relationship. During her husband's absence on business we are told that 'Catherine and Billings indulged themselves [...] in every species of riot and extravagance'.²² Catherine's final act is the murder of her long-suffering husband, John Hayes, who learns of her infidelity yet remains devoted to his 'vicious wife'. Despite his leniency, Catherine's contempt and hatred for her husband grew and with the promise of money, she persuaded Billings and

²⁰ *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 3.

²¹ *New newgate Calendar*, Vol. 1, October 24, 1863, p. 2.

²² *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 4.

a visitor to the household, John Wood, to carry out the deed under her own instruction, thus making them ‘her companions in guilt’.

It is significant that the initial threat to Catherine’s virtue came from a member of the aristocracy, rather than from within her own class; dazzled by the prospect of becoming a lady her subsequent downfall serves as a moral warning to those who dream of social enhancement. This particular narrative also draws on a tradition of anti-aristocratic sentiment, which was a defining feature of nineteenth-century melodrama; it is a corrupt man of title who depraves, exposes and exploits Catherine’s feminine susceptibilities. Clear moral positions are thus stated and explored not only in personalised but also in class specific terms suggesting a political content, which calls for a multidimensional reading of such texts.²³ Indeed, Patrick Joyce has defined melodrama as ‘one of the central aesthetics of the nineteenth century’ which offers a particularly revealing insight into the organisation of society, as it was ‘quite simply, one of the chief modes in which “the Million” apprehended the real’.²⁴ The embodiment of fundamental issues of good and evil in individual morality and personality held democratic implications as it undermined traditional imperatives of truth, and heralded what Peter Brooks has termed the ‘post-sacred era’ in which ethical conflicts were no longer the preserve of church and

²³ For a full discussion of the possible meanings of melodrama see chapter 2, pp. 44–47. Anna Clark and Martha Vicinus, for example, identify the seduction theme as a metaphor for the exploitation of the poor by the upper classes, whilst Eric Bentley suggests that the cathartic release effected by this symbolic rape of innocence offered an escapism which solidified the political status quo. These interpretations need not necessarily be viewed as mutually exclusive alternatives. Melodramatic plots clearly and crudely encouraged a particular emotional response and the narrative of a predatory and amoral aristocracy served to reinforce the moral highground so crucial to the self-identification of the middle classes at this time, as well as symbolising the oppression of the poor. The popularity of sensational fiction was also seen as dangerous and vulgar by the high-minded amongst the wealthy classes who considered its content morally polluting.

²⁴ Joyce, *Democratic Subjects*, p. 185.

monarchy.²⁵ Moreover, the investment of good in simple cottage values, as in the story of Catherine Hayes, evoked a 'golden age', a state of innocence, which was under threat in the new industrialising society. It is Joyce's contention that, 'simply by partaking of the melodramatic aesthetic, audiences were being spoken to and hence constituted as social subjects'.²⁶ Thus their engagement with, and inclusion in, the activity of interpreting and defining moral positions contributed to their own political identity. Within the melodramatic conventions themselves, the ways in which they were given meaning and in their political implications, gendered identifications and constructions also featured strongly.

Once Catherine's wayward impulses had been exploited by an unscrupulous gentleman, her seduction unleashes a ferocious female sexuality, which becomes inextricably linked to her violent impulses. The narrative is contrived and incorporates an elaborate web of coincidences as the plot strains to accommodate every perceivable deviancy. Female sexuality is represented as treacherous and manipulative, invading virtuous and respectable society. Beth Kalikoff has highlighted how this theme of deviant women and private crime pervaded the popular literature of the mid-nineteenth century. Women who killed were 'powerful symbols of deceit and vice'; their scheming and wickedness employed to pursue personal, powerful ambitions of wealth or social status. Moreover, 'each crime - social, sexual, violent - takes place in the heart of the family or community'.²⁷ Catherine Hayes' sexual depravity is defined through her promiscuity, her infidelity and the violent murder of an 'honest' and 'virtuous' husband, but the depths of

²⁵ Peter Brooks, *The Melodramatic Imagination: Balzac, Henry James, Melodrama and the Mode of Excess*, Yale University Press, p. 16.

²⁶ Joyce, *Democratic Subjects*, p. 179.

²⁷ Kalikoff, *Murder and Moral Decay*, p. 106.

her moral degeneration are, perhaps, most emphasised through her incestuous relationship with Billings, her son. In his work on 'Incest Among the Victorian Working Classes', Anthony Wohl suggests that in the nineteenth century, incest was regarded as the ultimate taboo, a threat to moral, religious and social harmony. At a time when home and family were invested with spiritual values, this 'animal sexuality' might invade and contaminate it.²⁸ In her relationship with her son and treatment of her husband, Catherine demonstrated a moral bankruptcy and degeneration, which defined her in sub-human and monstrous terms. Moreover, John Hayes was not the only victim in this drama; Catherine's accomplices had also been 'bewitched' by her. It was Wood who carried out the murderous act by striking John with a hatchet as he lay in a drunken stupor; the account describing how Wood had fallen 'into the power of the temptress and consented to become one of the butchers'.²⁹ The murder itself is crude and frenzied; however, it is significant that Billings and Wood 'were pale and trembling while Catherine alone appeared calm and collected as usual'.³⁰ Lacking any emotion and callous in the extreme, she is devoid of all humanity. As Billings and Wood decapitated Hayes to facilitate the disposal of the body, 'the diabolical Catherine held the pail and busied herself in catching the blood as it fell in heavy, blackish, sullen splashes through the surface of the flesh'.³¹ Indeed, Catherine's cunning and steely nerve are emphasised in the events following the murder. Hayes' head was recovered from the Thames and later his dismembered body was found in a ditch. When Catherine and Billings were arrested, 'Catherine appeared as bold as ever', she asked to see the head 'which she acknowledged was her husband's and, requesting that it be removed from the jar for

²⁸ Anthony S. Wohl, 'Sex and the Single Room: Incest Among the Victorian Working Classes', in Anthony S. Wohl (ed), *The Victorian Family: Structure and Stresses*, Croom Helm, 1978, p. 202.

²⁹ *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 5.

³⁰ *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 5.

³¹ *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 5.

better view, she kissed the reeking, hideous object, and bathing it in her tears, had the audacity to request that she might be indulged with a lock of the hair'.³² Wood and Billings confessed and all three were found guilty, though Catherine remained 'cool, calm and collected' throughout, eating a hearty breakfast on the morning of her death. Clearly, neither the sight of her mutilated husband nor the prospect of her own imminent death could stir the conscience or arouse emotion in this woman who was impervious to, and blunted of, all "natural" human feelings.

The primitive excesses of murders in sensational literature of this kind contained a pornographic or sexual dimension, which was also intended to have its own appeal. Thus the extreme violation of John Hayes' body, both in the act of murder and its dismemberment, could be regarded as analogous to rape or flagellation. In the account, the bloodiness of the ordeal is emphasised through close attention to lurid detail. The convulsions of John Hayes' body, his 'heavy gurgling respiration', the slow severing of his head from his trunk with a pocket knife and Catherine's initial recommendation that it 'should be boiled until the flesh became soft, and peeled from the bones', crudely describe a ghoulish pleasure. However, these details are also suggestive of ritual sacrifice and witchcraft. In this criminal biography, which was told and retold throughout the nineteenth century, Catherine Hayes is represented as an extreme and diabolical woman who committed an act of such horrific proportions that it defied "natural", human potential. Underlying the fascination with this case, it seems, is an anxiety about the potential of women to abuse their domestic power and transfigure from angels into demons. In *Woman and the Demon: The Life of a Victorian Myth*, Nina Auerbach explores this ambiguity contained within the nineteenth century construction of

³² *New Newgate Calendar*, Vol. 1, October 24, 1863, p. 6.

femininity. She argues that, 'the social restrictions that crippled women's lives, the physical weaknesses wished on them, were fearful attempts to exorcise a mysterious strength'. At the heart of attitudes to women lurked insecurity, a fear that 'the angel's other worldly power' might 'translate itself imperceptibly into a demonism that destroys all families and homes'.³³ Catherine Hayes, therefore, like the female poisoner, represents the dreadful possibility that the home as sanctuary might in reality turn out to be the site of betrayal, of unanticipated and vicious assault. With her death society is purged of a disruptive influence and her power to effect disorder and social chaos.

Catherine Hayes' deviancy is portrayed in the *New Newgate Calendar* in visual as well as in textual terms. From the early nineteenth century, the development of wood engraving, a cheap and technically simple process, made the integration of text and image increasingly possible.³⁴ Clearly, these woodcut illustrations could be read even by the wholly illiterate, though Brian Maidment has warned that:

To see pictures as a sort of baby-food mode of communication, pap for those whose minds could not digest real words, would be to mis-read the function of the visual image in emergent commercial culture.³⁵

Graphic images were technically produced, multiple reproductions and therefore lacked the status of high art. Indeed, Maidment argues that most prints were not intended as art in the sense of having a unique quality or enduring value, but rather as commercial productions for the purposes of illustration, embellishment or information. Whilst to

³³ Nina Auerbach, *Woman and the Demon: The Life of a Victorian Myth*, Harvard University Press, 1982, p. 8.

³⁴ For a detailed discussion of the technological and other developments affecting the print industry in the nineteenth century, see Brian E. Maidment, *Reading Popular Prints 1790-1870*, Manchester University Press, 1996. Also, Pamela Anderson, *The Printed Image and the Transformation of Popular Culture, 1790-1860*, Clarendon Press, 1991.

³⁵ Maidment, *Reading Popular Prints*, p. 10.

suggest that graphic art 'embodied the values and beliefs of their readers and their viewers'³⁶ is too reflective a notion that denies the interaction between what was being produced and how it was consumed, there can be no doubt that it is the crudity, cheapness and mass-production of these images which confer their particular value to the social historian, for:

It is plausible to argue that simple images which derive from crudely held graphic conventions and social stereotypes offer the student a better understanding of widely held cultural assumptions and values than those offered by the ironies, subtleties and contradictions of, say, Rowlandson and Gillray.³⁷

In terms of 'democratising social understanding', graphic and visual culture, therefore, should not be overlooked. However graphic images, despite their often-deceptive simplicity, crudity of form and technical inadequacies, are also culturally complex and certainly no less value-laden than verbal material. Roy Porter has argued that 'the historian must be perennially on guard for the ideology behind the image; that images must be viewed as a form of social persuasion'.³⁸ If this implies a far more intentional idea than was either conceived or possible to achieve, it is nevertheless the case that graphic illustrations offered particular representations, which may have been equally the product of limited artistic skill as ideological design, but which were read and interpreted in a variety of ways by a significant audience. As Maidment concedes, even if it is possible to identify the 'purpose' and readership of a particular image, it is still difficult to know exactly how those 'graphic codes' were received and understood. However, an exploration of the content and structure of graphic illustrations offers further opportunities for the analysis of contemporary depictions of murdering women.

³⁶ Maidment, *Reading Popular Prints*, p. 5.

³⁷ Maidment, *Reading Popular Prints*, p. 7.

³⁸ Roy Porter, 'Seeing the Past', *Past and Present*, February 1988, pp. 186-205.

THE NEW NEWGATE CALENDAR,

CONTAINING THE
REMARKABLE LIVES AND TRIALS OF NOTORIOUS CRIMINALS, PAST AND PRESENT.

No. 1.—Vol. I.]

SATURDAY, OCTOBER 24, 1863.

[ONE PENNY.]



CATHERINE HAYES ASSISTS IN MURDERING HER HUSBAND.

Figure 7
'Catherine Hayes assists in murdering her husband'

In the *New Newgate Calendar* the 'Life and Trial of Catherine Hayes' is visually represented through a depiction of the murderous act and her own murder or execution by the State. The choice of these dramatic moments in itself confirms the emphasis that the text places on the detail of horrific violence as well as having an obvious eye-catching appeal. Moreover, there is a symbiotic relationship between the two images; Catherine's violation of her husband is expurgated by her own violent death, one act atones for the other. As Kalikoff has observed, in the popular literature of the mid-nineteenth century women who exercised sexual independence and choice must die, as 'homicide or execution eliminates the dangerous enigma of female sexuality'.³⁹

The visual representation of John Hayes' murder conveys his absolute incapacity and is in stark contrast to Catherine's awful power (Fig. 7). Significantly, the victim is murdered whilst sprawled on the marital bed; what should be a symbol of domestic security and harmony is here a scene of treachery and defilement of the conjugal ideal. John Hayes' body is open, vulnerable and exposed; his head forms the lowest part of his body, and is a symbol of impotence and castration. As Billings keeps watch and Wood raises the hatchet, Catherine coldly observes. Her clinical expression betrays neither horror nor joy and exhibits a mask-like, unfeeling quality. She makes no attempt to avert her eyes; indeed the candle in her hand illuminates the whole scene highlighting her moral and spiritual deadness. There are, however, no references to blood and gore and the physicality of the murder as described in the textual narrative. Catherine's distance and her lack of emotion suggest an evil and gratuitous act rather than a deed committed out of a sense of grievance, hatred or fear. As a result no insight is given into this female

³⁹ Kalikoff, *Murder and Moral Decay*, p. 19.



Figure 8
'Execution of Catherine Hayes by Burning'

character, there is no attempt to grapple with the emotions which might have produced this situation. Despite her feminine and demure dress, however, Catherine's loose hair betrays a sexual licence and hints at a sexual motive.

This idea of deviant female sexuality underpinning Catherine's criminal action is further explored in the depiction of her execution by burning (Fig. 8). The whole image is erotically charged, romanticised and sexualised. Again, Catherine's flowing hair suggests wantonness; her breasts, thighs and pudendum are delineated; the chain accentuates her waist as she clings to a phallic-like stake. It is a two-sided picture, one half representing normality and the world she has turned her back on; the man shielding his eyes cannot bear to witness her pain. She has been claimed, however, by the executioner, representing the hellish world she is turning towards. The tragedy in the image is of a woman looking back on a world she has left behind, perhaps seeing for the first time her own moral blindness. The flames engulfing her body are symbolic of purification and spiritual justice; there may, indeed, be a sense in which her beauty denotes the triumph of justice. The textual narrative particularly emphasises Catherine's suffering for, although it was usual for women being burned for petty treason to be strangled before the flames reached her body, in this case the lighting of the pile was ill-timed and prevented the executioner from carrying out this merciful act. The account describes how:

The spectators then beheld her pushing away the burning faggots with her feet and hands, whilst forked and hungry flames darted about her and licked and glided over her blistered, shrivelling body, like fiends ever eager to rifle it of her sinful soul.⁴⁰

⁴⁰ *New Newgate Calendar*, Vol. 1, October 26, 1863, p. 10.

Clearly the root of Catherine's criminal act and its subsequent atonement through her execution was her sexual deviancy and her exceptional suffering was just recompense for her exceptional crimes. As a moral caution to all women, this biography closes with a description of how:

Hundreds of females swooned and fell to the ground, without a helping hand being put forth to save them; for the spectacle of the poor, writhing, struggling wretch, rending the air with her shrieks within that circle of fire, rendered the strongest man present speechless and powerless.⁴¹

In the *New Newgate Calendar*, Catherine Hayes' life and crime are characterised by deviant sexuality, greed, deceit and violent impulses. These elements are echoed in the criminal biographies of numerous other murdering women, creating a stereotype of the wicked woman as an aberration. The two dimensional illustrations which accompany the narratives echo the textual treatment which caricatures, rather than seriously explores, the situations in which women commit acts of murder. The female villains of these stories invariably violate virtuous and defenceless men, thus eliminating the possibility of extenuating circumstances or provocation. As daughters of poor but upright parents they are not primarily the products of defective socialisation or a debasing social environment; they do not learn their immorality or inherit it from their parents. Rather, they are freaks of nature who must be removed from society to make it safe. The accounts, therefore, focus on the lurid details of their monstrous crimes and their subsequent executions; by delivering uncompromising moral denunciations a licence to indulge the public taste for blood and sensation is justified.

⁴¹ *New Newgate Calendar*, Vol. 1, October 26, 1863, p. 10.

In the 1863/64 edition of the *New Newgate Calendar*, the story of Martha Alden, who was executed for the murder of her husband at Attleborough in Norfolk in 1807, was retold in the December the 12th issue. The wife of a farm labourer and the daughter of a poor thatcher, she is portrayed as a domineering and abusive woman with a ferocious temper who 'reigned supreme'. Samuel her husband, in contrast, was a 'quiet, industrious, inoffensive man' well respected within the community. However, 'he led but a dog's life, for she would often lay violent hands upon him and drive him from the house to seek shelter in a friend's cottage or under a haystack'. According to this narrative account, Martha's murder of her husband in a frenzied and furious assault with a billhook was provoked merely by his late return one evening from the White Horse Inn.⁴²

Throughout the story, Martha is portrayed in terms of "unnatural" femininity. Physically she is described as tall and thin, a woman of 'unprepossessing appearance and masculine mind', whose assertiveness and domination of her husband compounds her transgression of the feminine role. In murdering her husband she employed an "unladylike" and "masculine" physical strength, literally hacking him to death, striking at his head so that 'his face was dreadfully chopped, and his head cut very nearly off'. As Martha performed this act, she is described in terms of uncontrolled evil and barbarity, mutilating the body of a defenceless husband:

Again and again did the reeling billhook fall upon his mangled head. Life had fled; the blood had ceased to throb and flow in his veins, his lips had blanched, his limbs relaxed and the bedclothes were literally soaked and streamed with the purple fluid that had issued from his gaping wounds - but still did that fiendish woman strike at the mangled husband with unrelenting cruelty. The more she struck, the more her fury appeared to increase, the

⁴² *New Newgate Calendar*, Vol. 1, December 12, 1863, p. 113.

fiercer her eyes blazed, and the more murderously diabolical became the expression of her contorted features.⁴³

Martha's 'blazing' eyes, her 'contorted features' and the force and viciousness of the attack suggest demonic possession; she is transfigured into a manifestation of evil. Her persistent blows even after 'life had fled' is a demonstration of a consuming impulse not only to kill this man but also to destroy his body. References to 'gaping wounds', his 'mangled head' and 'streaming purple fluid' crudely testify to the gratuitous violence she employs.

The illustration accompanying the account of Martha Alden's crime depicts her enlisting the help of a neighbour to dispose of her husband's body which was eventually found dumped in a pond (Fig. 9). Martha's features and general appearance are coarse; the blackness of her face racialising her to symbolise the darkness of her soul, her evil and uncivilised nature. Her exterior ugliness signifies an inner ugliness. Mary Orvice, Martha Alden's neighbour, provides a contrast in femininity, with her finer features, white face and modest dress, she is what Martha is not and possibly offers an element of reassurance. The bed, the heart of the marital relationship, is emphasised and Samuel, with his arched body, is represented in terms of total vulnerability. Indeed, there may be a spiritual echo, a suggestion of martyrdom, of Christ being taken down from the cross and placed in a shroud. Around Samuel's head is a halo of light, which contrasts with the blackness of Martha's figure.

The similarities between the telling of Martha Alden's story and Elizabeth Barber's in the *New Newgate Calendar* are striking. Executed for the murder of her lover at Greenwich

⁴³ *New Newgate Calendar*, Vol. 1, December 12, 1863, p. 114.

in 1805, she is described as having a 'fiery and malicious temper' depriving her honest, respectable and hardworking, waterman husband of 'every comfort and enjoyment'. Like Martha, she is an aberration, a 'diabolical woman' who, from her infancy, 'betrayed a very turbulent disposition, which, not being corrected, increased as she grew up, and ultimately developed itself in her womanhood, leading her to acts of violence and criminality, terminating in murder'. The man she murdered was John Daly, 'a poor College man at Greenwich' with whom she was having an affair, but brutally murdered with a billhook after an argument over money.⁴⁴

The illustration of the murder scene again emphasises the bed as the arena where domestic outrage is committed. The dark shading in the image emphasises the sinister quality of the scene. Elizabeth's victim lies prostrate, indeed his languidness and almost poetic, aesthetic or artistic pose contrasts with Elizabeth's crone-like and coarse demeanour (Fig. 10). In physical terms, she is antithetical to the contemporary construction of womanhood. Her face is haggard, savage and witch-like, her bare arms and ankles represent her sexual deviancy and the assault is an unleashing of unrestrained, physical violence. The image is rigid with binary oppositions; his youth and her age, his refinement and her coarseness, his passivity and her aggression. Although the scene is a squalid garret, the sculptured face, elegant hands and complete exposure of the victim represent him as doomed beauty.

The stories of Catherine Hayes, Martha Alden and Elizabeth Barber represent their male victims as trusting, innocent and vulnerable; passive objects of undeserved and unprovoked attack. Joseph Kestner's work on the high art of the Victorian period has

⁴⁴ *New Newgate Calendar*, Vol. 38, July 16, 1864, pp. 599-601.

identified the recurrent theme of the ‘challenged paterfamilias’, where male authority and male ability to perform their “natural” roles as providers, protectors and moral guide within the family, are impeded by external forces such as poverty and unemployment, or individual weaknesses in the form of gambling or drink.⁴⁵ Despite a powerful construction of patriarchal strength and control in this period, these paintings demonstrate an anxiety that in reality the ideal was ‘frequently exposed as fallible, untenable, dependent and ambiguous under the pressure of economic, sexual, political and class constraints that revealed the man’s vulnerable rather than empowered condition’.⁴⁶ In the telling and visual representation of the stories of murdering women in penny serial publications such as the *New Newgate Calendar*, the ultimate challenge to the paterfamilias is offered in the form of the murdering wife or lover. Male strength and vitality is cruelly sapped and male authority undermined from within the domestic sphere by women whose duty and “natural” impulse should be to offer domestic comfort and support in a position of passive subordination. Although these murdering women are crude caricatures, perhaps even on one level absurdities, they can be seen as another manifestation of the insecurities surrounding the domestic ideal. By portraying them as aberrations, diabolical creatures, almost as freaks of nature, rather than as products of social circumstances or social relations, their subsequent elimination from the community offers reassurance and any threat is diffused. Certainly, these stories do not contemplate any rational motives to explain why it is that some women kill.

⁴⁵ Joseph A. Kestner, *Masculinities in Victorian Painting*, Scholar Press, 1995, pp. 141-176. For this analysis Kestner draws on a range of paintings including George Frederick Watts: *The Irish Famine, 1849-50*; Augustus Egg: *Past and Present*, 1858, Robert Martineau: *The Last Day in the Old Home*, 1861, Hubert Von Herkomer: *Hard Times*, 1885. Kestner observes that representations of the role of the paterfamilias were predominantly painted by male artists and attributes the anxieties they exhibit to the difficulties involved in living up to the ideal, economic pressures and the gradual extension of rights to women in this period, for example through legal reforms and the opening up of education and professional careers.

⁴⁶ Kestner, *Masculinities in Victorian Painting*, p. 142.

When in 1839-1840, William Makepeace Thackeray decided to write a novel in protest against the Newgate Fiction of the 1830s, his search of the *Newgate Calendar* for a case which exemplified gratuitous, physical violence and complete moral degeneration resulted in his choice of Catherine Hayes' story as the basis of his novel. Although the penny dreadful fiction to which the serialised *New Newgate Calendar* belonged provoked the censure of the middle-classes for its indulgence and valorisation of notorious criminals, Thackeray's campaign was not directed primarily against these cheap serials but targeted the Newgate fiction of "literary" novelists, such as Dickens, Ainsworth and Bulmer.⁴⁷ Although the Newgate Novels of the 1830's and 1840's varied considerably in the treatment of their theme, they all took as their central character a criminal who came, or might have come, from the *Newgate Calendar*. These novels attracted widespread censure on the grounds that they familiarised their readers, and perhaps dealt sympathetically, with vice and were, therefore, morally undermining and socially dangerous. Keith Hollingsworth has argued that although the Newgate subject was nothing new, this hostile reaction after 1830 may be attributed to a new interest which the books demonstrated in the criminal himself/herself and also the fact that they were being produced during a period of social change when concerns about the morals and manners of the population were heightened.⁴⁸

Thackeray's *Catherine: A Story*, was published serially in *Fraser's Magazine* in 1839-1840, a monthly magazine to which he was a regular contributor between 1837 and

⁴⁷ 1839-40, the year in which Thackeray's novel *Catherine* was serialised in *Fraser's Magazine*, saw the height of his critical campaign against the Newgate Novel. This was in part a reaction against the popularity of Ainsworth's *Jack Sheppard* and Dicken's *Oliver Twist* which were published in 1839 and 1837 respectively. See Keith Hollingsworth, *The Newgate Novel 1830-47: Bulwer, Ainsworth, Dickens and Thackeray*, Wayne State University Press, 1963, p. 112.

⁴⁸ Hollingsworth, *The Newgate Novel*, pp. 15-16.

1847.⁴⁹ The fragmentation of larger works of literature increased their accessibility by spreading the cost over months and years, and novelists such as Thackeray were willing to sacrifice an element of authorial control to commercial priorities. J. Don Vann and Rosemary T. VanArsdel also argue that at this time the periodical and magazine were regarded as a prime site for literary fiction, as:

The intrinsically fragmented mode of the periodical press, with its variety, flexibility, and open-endedness, made it a particularly appropriate vehicle for the Victorian novelist's attempt to capture the complexity and contingency of modern life.⁵⁰

Thackeray's instalments of *Catherine* found themselves sandwiched between articles entitled 'Oneiromancy' (interpretation of dreams), 'The Sacred Poets', 'Domestic Jesuitism', 'Lecture on the Fine Arts', 'Opium Trade with China' and 'Church and Chartism' to name just a sample.⁵¹ As Thackeray's purposes in writing this piece were both to entertain and to parody the Newgate fiction of the period, inspiring his readers to loathe, rather than experience exhilaration or inspiration from its characters, it could be very comfortably situated within the magazine format. Indeed, the work itself combined fictional narrative, literary criticism and political comment, for as Frederick Cabot suggests:

Thackeray seems at first to have hoped that his novel would trap its readers, cause them to reflect upon their own diseased tastes,

⁴⁹ *Fraser's Magazine* was established in 1832 and had a circulation of 8,000 in 1860. Modelled on *Blackwood's Magazine* it was characterised by a less erudite and serious tone than the quarterlies, and a broader range of contribution which included fiction, literary criticism and topical subjects'. According to Alvar Ellegard, 'Readers were middle to upper class, of good education, seriously minded, tending to Broad Church views in religion and politically liberal. See A. Ellegard, *The Readership of the Periodical Press in Mid-Victorian Britain*, Goteborg, 1957, pp. 32-33. Also, J. Don Vann and Rosemary T. VanArsdel, *Victorian Periodicals: A Guide to Research*, Vol. 2, The Modern Language Association of America, 1989, p. 10.

⁵⁰ Don Vann and VanArsdel, *Victorian Periodicals: A Guide to Research*, p. 2.

⁵¹ *Fraser's Magazine*, Vol. XIX, May 1839, to Vol. XX, November 1839. The aims and contents of nineteenth-century periodicals were diverse and included 'the diffusion of knowledge, the improvement of morals, the mobilisation of opinion, the pursuit of rational science, the spreading of the word of God, the promotion of commerce, the cultivation of taste, the entertainment of a reading public'. *Victorian Studies*, Winter, 1998, p. 313.

and then to reject forever the sham art, sentiment and morality of Newgate fiction.⁵²

An advertisement for the 1879 edition of *Catherine* expressed Thackeray's aim as being:

To describe the career of the wretched woman and her associates with such fidelity to truth as to exhibit the danger and folly of investing such persons with heroic and romantic qualities.⁵³

As author/narrator, Thackeray under the pseudonym of Ikey Solomons, Junior, a well-known London criminal, imposes himself upon the reader, directing his/her responses, at times admonishing, at others issuing moral warnings. His description of a hunting party attended by Catherine and her aristocratic lover which degenerates into a drunken orgy is followed by the delivery of the following authorial outburst:

And here, though we are only in the third chapter of this history, we feel almost sick of the characters that appear in it [...] but how can we help ourselves? The public will hear of nothing but rogues; and the only way in which poor authors, who must live, can act honestly by the public and themselves, is to paint such thieves as they are, not dandy, poetical, rose-water thieves; but real downright scoundrels, leading scoundrelly lives, drunken, profligate, dissolute, low, as scoundrels will be. [...] No, my dear Madam, you and your daughters have no right to admire and sympathise with any such persons, fictitious or real; you ought to be made cordially to detest, scorn, loathe, abhor and abominate all people of this kidney. Men of genius [...] have no business to make these characters interesting or agreeable; to be feeding your morbid fancies, or indulging their own, with such monstrous food.⁵⁴

Significantly, it is the moral pollution or contamination of women and their daughters which concerns Thackeray the most.

⁵² Frederick Cabot, 'The Two Voices in Thackeray's "Catherine"', *Nineteenth Century Fiction*, Vol. 28, 1974, p. 406.

⁵³ William Makepeace Thackeray, *Catherine: A Story*, Smith, Elder & Co., London, 1879.

⁵⁴ Thackeray, *Catherine*, pp. 41-2.

Despite the clear didactic focus and intention of Thackeray's novel, his representation of Catherine as a murderess is surprisingly sympathetic, even ambiguous. As in the *New Newgate Calendar*, she is attributed with an extreme vanity which renders her morally blind and senseless; she is overwhelmingly superficial and licentious. However, although Thackeray describes her as 'a slattern and a minx', as 'this little vixen', there is in his depiction a suggestion of naiveté and playfulness and also of victimhood; for 'very early did the poor, vain, misguided wretch begin to reap what she had sown'.⁵⁵ Thackeray's tone is patronising as he categorises her love of extravagant dress, language and passions as faults 'inevitable on the part of the woman [...] she must be silly and vain and will pretty surely therefore be fond of dress'.⁵⁶ Essentially, Thackeray is willing, if not to excuse, to make concessions to Catherine's weaknesses because they are "natural" to a woman's make-up. When Catherine, a young servant girl in a small inn in Warwickshire, encountered a dashing aristocrat, it was the naiveté of her response that was to lead to her demise. We are told how, 'the poor thing had never before seen anybody so handsome or so finely dressed as the Count: and in the simplicity of her coquetry, allowed her satisfaction to be quite visible'.⁵⁷ Although Thackeray does allude to the power of women's sexuality, it is Catherine's moral blindness, delusion and scornful social aspirations which are the root cause of the tragedy.

In the *New Newgate Calendar*, Catherine is a one-dimensional character and the choices are simply between good and evil. The more complex choices offered by Thackeray's novel derive, in part, from the differences between the genres. Unlike penny dreadfuls

⁵⁵ Thackeray, *Catherine*, p. 33.

⁵⁶ Thackeray, *Catherine*, p. 33.

⁵⁷ Thackeray, *Catherine*, p. 12.

and street literature of the period, novels as larger pieces were often set in a detailed and specific social environment and dealt much more with the circumstances surrounding murder, rather than simply focusing on the act itself. In Thackeray's novel, the story of Catherine Hayes is extended by fuller characterisation; we learn of the roguish career of her aristocratic seducer, Count von Galgenstein, of his exploits and duplicity and subsequent physical and mental abuse of Catherine. In melodramatic form he is represented as the real villain of the story. This theme of the seduction and betrayal of a simple poor woman by an unpleasant member of the aristocracy is a major theme in Thackeray's account; the fact that he is a foreign Count adding to the sinister and offensive nature of his conduct. To be both a member of the upper classes and non English compounds his social ugliness and he represents an invading source of moral corruption. Whereas Catherine's seducer in the *New Newgate Calendar* remains a faceless and nameless 'unprincipled stranger' and hence the focus rests on her character and sexual deviancy, in Thackeray's novel the blame is shared with a contemptible German aristocrat. Significantly, in Thackeray's version Catherine's murder of her husband, John Hayes, is precipitated by the return of Count von Galgenstein to London as an Ambassador from his German court, seventeen years after their affair. Foolishly, Catherine deludes herself into thinking that once she has disposed of her husband, the Count could be persuaded to marry her. In the *New Newgate Calendar*, however, Catherine's murder of her husband is unprovoked and motivated merely by a consuming hatred for him.

Moreover, unlike the John Hayes of the *New Newgate Calendar*, generous, virtuous and long-suffering, Catherine's husband is portrayed from the outset by Thackeray as unattractive and not particularly worthy of our sympathies. He is depicted as ruthless

and successful in business, his financial exploits include lending money to the poorest and most vulnerable; he is mean, 'pale, rickety and feeble' and 'timid, selfish and stingy'. Indeed, Thackeray considers that Catherine's loathing of her husband is justified and reveals that on the eve of the murder he was planning to desert her. With such a character reference as this, it is difficult to achieve a sense of victimhood, and vice and virtue cease to be simple alternatives. It is, therefore, somewhat ironic that at the end of chapter one Thackeray should criticise authors who failed to make these distinctions by urging:

Let your rogues in novels act like rogues and your honest men like honest men; don't let us have any juggling and thimblerrigging with virtue and vice, so that, at the end of three volumes, the bewildered reader shall not know which is which [...].⁵⁸

Despite his own resolve that his readers should hate his villains and recognise his heroes, Thackeray's treatment of his heroine is more complex and ambiguous than in the Newgate fiction he denounced. Certainly Catherine, as representative of her class, is gross, ignorant and violent and it is significant that Thackeray's account of the murder was taken almost verbatim from the *Newgate Calendar*, sparing his readers none of the graphic detail of the murder, the dismemberment of Hayes and Catherine's execution. Nevertheless, because we are told so much about Catherine's background, the cruelty of the Count towards her and the mean-spirited nature of her husband, our responses to her are not straightforward. By exploring the relationship between the criminal and her social context, it is difficult to isolate her from the wider community. As Beth Kalikoff argues of the representation of criminals in early-Victorian novels, 'Killers are not "friends" or "monsters", but people whose crimes develop from a disturbing tension between individual characteristics and social ills. Evil does not exist in a social vacuum'.

⁵⁸ Thackeray, *Catherine*, p. 28.

In the particular case of Thackeray's novel, 'Catherine's foolishness, self-absorption and murderous immorality represent the values and habits of every class in the story. Her wicked crime is ultimately pathetic because of her illusion that the upper class, represented by Galgenstein, is somehow better than her own.'⁵⁹ Thackeray's intentions to draw distinct lines of moral culpability and social responsibility were thwarted, it appears, by his obligation as novel writer to explore his characters and their social environment in some depth.

Thackeray's *Catherine* was not well received by its readers, who both objected to its preaching tone and were "disgusted by its indecent cynicism". It was his first novel and he himself considered it a mistake.⁶⁰ Perhaps more than anything else, the critical response to *Catherine* may lie in an uncomfortable confusion between virtue and vice; indeed virtue is in remarkably short supply in the novel. Moreover, unlike the treatment of Catherine and her crime in the *New Newgate Calendar*, the novel does not offer such complete remedies because the murderous act is rooted in social relations rather than contained within an exceptionally deviant and errant individual. Catherine's execution does not provide the same sense of purification and atonement, for in keeping with the novels of this period:

Threats to community are not quarantined within individuals who can then be eliminated. The danger of homicide - and the threat to moral authority it involves - lies more disturbingly in the neglect or cruelty of the whole community.⁶¹

This offered a less satisfying account of female deviancy.

⁵⁹ Kalikoff, *Murder and Moral Decay*, p. 53.

⁶⁰ Cabot, 'The Two Voices of "Catherine"', p. 409.

⁶¹ Kalikoff, *Murder and Moral Decay*, p. 54.

Clearly, the different literary genres employed a variety of rhetorical strategies and followed particular conventions which influenced narrative form. Whatever the treatment of the subject and purposes in writing, however, documented cases of women tried for murder provided the stimulus for these stories of women who killed. Novels such as Thackeray's *Catherine* and sociological articles in journals such as *Household Words* and *Cornhill Magazine* may have probed more deeply the social conditions which surrounded these crimes, offering a more ambivalent and less clear-cut analysis; they shared, nevertheless, fundamental perceptions about the murderess with cheap, working-class literature such as broadsides and the *New Newgate Calendar*. In the mid decades of the nineteenth century, it seems, there persisted an anxiety that one might be more endangered within the home than anywhere else. Paradoxically, the domestic environment and the sacred institution of marriage, elevated within middle-class ideology as a safe haven against the strains and insecurities of a changing society, might become the site of betrayal and unprovoked attack. Fictional and non-fictional murderesses violated principles of "woman's nature" by striking against those whom they should most cherish. Driven by lust, greed and malevolence they employed a range of killing strategies including frenzied, bloody attacks and insidious, 'secret poisoning'. Female sensuality and sexuality linked to violent impulses, whether aroused by male seduction, allowed to develop as a result of inadequate socialisation or defined as an aberration of nature, is a predominant theme in many of the stories. In many ways the belief in female murderers as aberrations offered the most comfortable explanation, as with their deaths the menace could be eliminated. For female readers these narratives contained a clear message: to be content within their domestic role or risk denigration, the anguish of remorse and, ultimately, shameful death. For men the stories highlighted the insecurity of the male position and the precarious state of the patriarchal ideal, offered titillation,

and some consolation in the removal of the threat which these women constituted. As with the newspaper reporting of murder trials, what these narratives singularly evaded was any serious investigation into rational motives as to why it was some women killed.

Chapter Seven

Murdering Mothers: Representations of infanticidal women

On February 6, 1864, the *New Newgate Calendar* featured the story of a case of infanticide originally heard before the Surrey Assizes in August 1818. Entitled 'Child Murder - The Sister's False Charge', the account described the prosecution of Mrs Harriet Hampson of her sister, Mary Stone, for the murder of her new-born child. According to the *New Newgate Calendar*, Harriet informed the court that two years earlier, when she herself was 17 and unmarried, her 27 year old sister, already an unmarried mother, was delivered of a child whilst sharing her bed. Shortly after the birth, 'my sister forced her hand into the infant's mouth and choked it, and then thrust the body into a pan under the bed'.¹ The next day Mary burnt the body in a copper and threw the ashes on the dunghill, threatening to take both her own life and her sister's if she raised the alarm. A year later, and shortly after her marriage, Harriet involuntarily related the story to her husband in her sleep leading to Mary's prosecution and trial. Mary Stone was found not guilty, the jury concluding that Harriet had fabricated her story in a fraudulent attempt to secure access to a £500 legacy which was held for her in trust.

¹ *New Newgate Calendar*, No. 16, Vol. 1, February 6 1864, p. 242.

The significance of this story in terms of its qualification for inclusion in a sensational compendium of criminal biographies - 'Remarkable Lives and Trials of Notorious Criminals' - lies much less in the accusation surrounding the death of a child, and much more in the themes of sisterly betrayal and property interests. Indeed, this particular account constitutes the only infanticide case retold within this weekly penny publication in 1863-64, despite the fact that the killing of their new-born and infant children accounted for the majority of female committals for domestic murder. If the infanticidal woman was still exceptional, she was a far more familiar figure than the woman convicted of the murder of her husband or lover.² However, the more commonplace account of the young, single domestic servant who concealed her pregnancy to protect both her reputation and position of employment, and who was acutely conscious of the economic implications of her condition, was not a story which found its way into the pages of the *New Newgate Calendar*. This in itself suggests that in the mid-nineteenth century differential meaning was attached to the killing of infants by mothers as opposed to the murder of husbands by their wives; the former, however regrettable, constituted a lesser threat to society and offered fewer opportunities for titillation. The 'destruction' of their new-born, illegitimate children by working-class mothers did not challenge

² Earliest official records for infanticide are those of the Registrar General which suggest 76 cases of murders of infants under the age of 1 in the years 1838-40, representing some 34% of all murders in this period. By mid-century more complete returns suggest an annual average of 146 cases in 1852-56, rising to 166 in 1866. This is to be compared to some 40 cases of spousal murder committed by women in the whole of the nineteenth century (see Chapter 5, pp. 27-28). The rise in infanticide is concurrent with growing popular and medical press coverage of the crime, the introduction of police forces and heightened official sensitivities to the phenomenon, so that by 1860 it was considered the 'sin of the age'. Any enumeration of the incidence of infanticide is clearly fraught with difficulties. However, it is generally agreed that coroners returned verdicts in only the most clear-cut of cases and that infanticide 'by commission' - such as strangling or suffocation was more easily detected than infanticide 'by neglect' - failure to feed and care for an infant which could, intentionally or unintentionally, result in death. It is likely, therefore, that official figures underestimated this crime. For a full discussion of the statistical evidence see: R. Sauer, 'Infanticide and Abortion in Nineteenth Century Britain', *Population Studies*, Vol. 32, No. 1, pp. 81-93; Ann R. Higginbotham, "'Sin of the Age': Infanticide and Illegitimacy in Victorian London', *Victorian Studies*, Vol. 32, pp. 319-337; Lionel Rose, *Massacre of the Innocents in Great Britain in 1800-1939*, Routledge and Kegan Paul, 1986, pp. 37-62.

patriarchal authority and may have shielded men from the consequences of their sexual behaviour. As long as the apparent perversion of the ideal of motherhood could be explained, little was to be gained from probing too deeply the circumstances surrounding acts of infanticide.

Although the case of Mary Stone was judged to be 'remarkable' on account of the sisters' relationship and the inheritance issue, the representation of her crime connects with the media reporting of contemporary, and more typical, cases of infanticide in particular ways. As the accused, Mary Stone is portrayed as vulnerable and frail in both physical and emotional terms. Too weak to support herself she is seated and 'seemed quite dejected and worn down; her features, which were remarkably intelligent and expressive, indicated extreme anxiety and emotion'. Her plea of not guilty was made 'in a faint but agonising tone of voice'.³ By highlighting her sensitivity and anguish, Mary Stone's portrayal invites pity rather than censure.

The illustration accompanying the narrative account emphasises, indeed sexualises, female distress and vulnerability (Fig 11). Both women are charged with emotion; they mirror each other in their poses. Harriet dominates the picture, which is a stage on which the full impact of her betrayal of the sibling relationship, her deceit against the family is represented. Her thespian pose suggests realisation and despair, and a Bible is prominently displayed. The image also represents a scene of male authority and judgement as the two women are framed within a triangle of male officialdom and superiority. The disdainful and austere expressions of the lawyers and the judge contrast

³ *New Newgate Calendar*, No. 16, Vol. 1, February 6 1864, p. 242.

with the moral flimsiness of the women who are in need of male guidance, judgement and strength. As Margaret Arnot has highlighted, in the nineteenth century the legal justice system brought women into a 'masculine universe' which might include the policeman and the coroner, the magistrate, the Grand Jury and the Home Secretary.⁴ The telling of this particular story, however, also reminds us that women participated in the legal process, for example by bringing prosecutions or testifying against each other.

It is impossible to know if Mary Stone killed her child in 1817 or, if she did, what her motives might have been. However, the story of her alleged crime some fifty years later describes actions of extreme, physical violence which have resonances in the forensic evidence of coroners and medical experts as relayed by the newspapers in their coverage of Assizes cases. Having choked the child to death with her own hands, Mary is described as attempting to burn the body on a fire in the room, 'but the flesh made such a crackling noise that she was afraid it would be heard'.⁵ The next morning she completed the process by cremating the body in the copper. The contrast between the account's representation of Mary's fragile, physical and emotional demeanour in court and the nature of the crime she is accused of is startling, and serves as an indicator of her innocence. In a period in which it was believed that the inner soul was revealed in facial features and outward appearance, the description of Mary's delicate disposition acts to confirm her incapability of such an offence and, therefore, the judgement of the court.

⁴ Margaret L. Arnot, 'Gender in Focus: Infanticide in England, 1840-1880', Unpublished Ph.D. thesis, University of Essex, 1994, p. 107.

⁵ *New Newgate Calendar*, No. 16, Vol. 1, February 6 1864, p. 242.

If the story of Mary Stone and Harriet Hampson as told in the *New Newgate Calendar* was selected on the basis of novelty and notoriety - more about fraud and familial treachery than child murder - it nevertheless participated in the construction of the meaning and status of the crime of infanticide in the mid-nineteenth century. Perhaps more significant than the inclusion of this particular narrative in a cheap, penny crime serial is the exclusion of so many other stories. It is, therefore, on the newspaper reporting of local cases of infanticide in Suffolk between 1830 and 1860 that the main analysis of this chapter will focus. In addition, a comparison will be drawn between these media stories and the representation of this crime in George Eliot's *Adam Bede*, a novel published in 1859 which evoked widespread, though not unequivocal, critical acclaim and which addressed contemporary concerns about infanticide and motherhood. It is the contention, not that this literary work echoed the views expressed in the press, but that fiction with its own possibilities and rhetorical strategies negotiated competing constructions of reality. Eliot's writing about infanticide and the reporting of the *Bury and Norwich Post* shared a topical theme; their respective treatments of it demonstrate both interconnections and distinctiveness, and they actively participated in the project of shaping conceptions of femininity, sexuality and criminality.

In the thirty year period between 1830 and 1860, 13 cases of infanticide and 20 of concealment of birth brought before the Suffolk Assizes were reported in the *Bury and Norwich Post* (see Appendix 5).⁶ In effect crimes of concealment and infanticide could be synonymous and the lesser charge was often preferred by doctors, judges and jurists

⁶ It appears that infanticide was concentrated in London and industrial towns where illegitimacy rates were highest and births more difficult to conceal. Infanticide was comparatively low in rural areas though high rates in some agricultural districts were attributed to the gang system. See R. Sauer, 'Infanticide and Abortion', p. 89.

reluctant to return capital verdicts. In the cases of Harriet Ashman in 1834 and an 'alleged child murder at Framlingham' in 1858, for example, the Grand Juries ignored the bills of wilful murder and would consider the evidence for concealment only.⁷ Of the 13 infanticide cases reported in the *Bury and Norwich Post* 2 occurred in the 1830's and a further 4 in the 1840's; the concentration of the remaining 7 cases in the decade between 1850 and 1860 coincided with, and may indeed reflect, growing concerns about the 'massacre of innocents'.⁸ However, sentencing policy suggests that attitudes remained complex and ambivalent, and heightened official sensitivity to this crime did not necessarily translate into a more punitive legal response. Two guilty verdicts apart, the Suffolk women who were indicted for infanticide were either acquitted or received relatively minor custodial sentences for concealment. At each stage of the judicial process, including the coroner's inquest, any potential to filter out cases or minimise charges appears to have been exploited. Complicated legal argument and medical jurisprudence further supported low levels of conviction, for where no witnesses were present live birth and separate existence, fundamental prerequisites to the crime of infanticide, were difficult to establish.

In a period in which women were defined as both physiologically and socially designed for reproduction and maternity, the leniency displayed towards those women who

⁷ Before 1803 the law governing infanticide required the defendant to prove her innocence. However, after the Offences Against the Persons Act of 1803 infanticide was to be treated as any other murder. This act also created the offence of concealment of birth which carried a maximum sentence of two years imprisonment. Concealment offered prosecutors a "softer" option, and where a murder charge failed a jury could return the lesser verdict. See Rose, *Massacre of the Innocents*, pp. 70-71.

⁸ This phrase, 'Massacre of the Innocents', was used as the title of an article published in the *Fortnightly Review* in 1866 (Vol. iv, pp. 607-612.), in which the author, Andrew Wynter, identified infanticide as an endemic problem in England. He claimed that there were, '12,000 murderesses living in our midst, performing our domestic offices, ministering to our private wants, and doing women's work about the town, with the dreadful secrets locked up in their breasts' (p. 607). Wynter blamed poverty, shame and the moral and financial irresponsibility of men for this crime.

deviated from these conceptions begs analysis. Arnot has suggested that behind a superficial, sympathetic response and toleration of infanticide as demonstrated by the implementation of the law, there existed a wider attitude, which protected male sexual licence at the expense of women who, literally, bore the consequences. She comments:

In a sense, male juries were condoning behaviour, which resulted in part from male sexual exploitation of women. Men did not want to take responsibility for the children produced from sexual liaisons, which served their sexual interest. In this sense, the bastardy clauses of the New Poor Law, the tolerance for infanticide and for prostitution were part of the same sexual system.⁹

Certainly, the Bastardy clauses of the New Poor Law of 1834 placed responsibility for illegitimate children with mothers. By demanding corroborative evidence of paternity before the financial support of a father could be required, a great deal was left to the discretion of individual justices, and unmarried mothers could anticipate little prospect of success from a system which was also cumbersome and involved expense.¹⁰ Moreover, the tendency in this period away from a paltry, but nevertheless preferable, outdoor relief system to the stigma and censorious attitude of the workhouse, where women's access to their babies was restricted, further limited the options available to them. Based on a Malthusian rationale it was anticipated that the New Poor Law, by minimising the support offered to unmarried mothers and by making fathers less accountable, would result in a reduction in the rates of abortion and infanticide.¹¹

⁹ Arnot, *Gender in Focus*, p. 69.

¹⁰ From 1834 proceedings could only be initiated by local Poor Law unions and were to be held before magistrates at the next Quarter Sessions. This could involve travelling and a period of delay. From 1844 women could apply directly to the petty sessions for an affiliation order, though they were required to pay a summons fee and the expenses of the summoning office. See Sauer, 'Infanticide and Abortion', p. 89.

¹¹ It was widely considered, for example, that acts of infanticide were instigated by men and that women were unlikely to kill their own child due to poverty alone. Rose, *Massacre of the Innocents*, p. 245. Arnot's study, based on the proceedings of the Central Criminal Court, suggests that crimes of violence committed against children by men received harsher sentences. See Arnot, 'Gender in Focus', chapter 4.

Although clearly a significant factor, the preservation of male sexual interests alone cannot account for attitudes to, and the treatment of, infanticide. The heightened attention focused on women who killed their children by the medical profession, the press and those involved in public health reform could indeed be seen as counterproductive to the desire to maintain the 'sexual system'. By creating objects of pity and invoking the tragic moral consequences of seduction, male behaviour was also critically illuminated. It should also be remembered that male sexual interests could compete with other priorities such as professional status. As Rose observes, 'The new consciousness of infanticide was not unconnected with the enhanced self-image of the medical profession'.¹² However, whether they were defined as casualties of a punitive Poor Law system, as victims of seduction or suffering from 'puerperal mania', a persistent refusal to recognise the economic rationality that informed infanticidal acts or to understand the dilemmas, which many poor women faced, characterised their representation.¹³ Infanticide highlighted issues of working-class, female poverty in the most intimate way; as the Suffolk cases show, however, these material conditions were not prioritised by legal and medical 'expertise', which favoured alternative explanations.

¹² Rose, *Massacre of the Innocents*, p. 41.

¹³ For a detailed analysis of the economic hardships faced by working-class mothers in the nineteenth century, both married and unmarried, and the strategies they employed in dealing with their situations see Ellen Ross, *Love and Toil: Motherhood in Outcast London, 1780-1918*, Oxford University Press, 1993; Carl Chinn, *They Worked All Their Lives: Women of the Urban Poor in England, 1880-1939*, Manchester University Press, 1988; Anna Davin, *Growing Up Poor: Home, School and Street in London, 1870-1914*, Rivers Oram Press, 1996.

**Infanticide in mid-nineteenth century Suffolk:
The Cases of Catherine Jarrold, Sarah Bly, Mary Robinson, Maria Stewart,
Maria Clarke and Emma Mussett**

Catherine Jarrold, Sarah Bly, Mary Robinson and Maria Stewart were all tried before various Suffolk Assizes in the period between 1845 and 1852 for the crime of infanticide; their cases were heard sympathetically and each was found innocent in accordance with the general acknowledgement articulated by the prosecution in Maria Stewart's case that 'juries were brought very reluctantly to the conclusion of a mother's guilt'.¹⁴ In each case, reporting of their trials was preceded by a description of their physical and emotional state, which immediately evokes sympathy for their plight and indicates vulnerability and fragility. They are not monsters or aberrations; indeed their weakness is entirely compatible with the contemporary ideal and definition of femininity. Thus, Sarah Bly 'pleaded guilty in a very feeble tone of voice and was evidently labouring under considerable emotion'. Mary Robinson 'showed symptoms of fainting' during the opening speech at her trial and spoke 'in a tremulous voice'. Maria Stewart 'appeared greatly distressed and kept her face buried in her handkerchief'.¹⁵ 'Feeble', 'fainting' and 'tremulous', their outward lack of strength and physical resolve symbolises their weak nature and passivity. The emphasis on their emotionalism and distress calls into question the capabilities of these women to commit such violent crimes against their own offspring with any degree of rationality or self-control. Having established their "feminine" vulnerability, delicacy and acute sensitivity, the demands of the law then required these women, their employers, relations and neighbours to provide detailed accounts of the circumstances surrounding the birth process in order to establish live

¹⁴ *Bury and Norwich Post*, August 4, 1852.

¹⁵ *Bury and Norwich Post*, April 9, 1851, August 7, 1850, August 4, 1852.

birth. The absence of reliable forensic tests was widely acknowledged; indeed Baron Alderton on opening the Assizes in 1845 reminded the jury:

He need not tell them that the opinions of surgeons, as to whether a child was born alive or otherwise, were open to doubt and ambiguity and some of the tests, such as the lungs floating might be fallacious.¹⁶

Ironically, the imperative to support inconclusive forensic evidence with circumstantial detail of the mothers' actions and their situations necessitated the telling of their stories and thus granted these women a voice, albeit one which was muffled by the legal and medical interpretation and media appropriation of their accounts.

Catherine Jarrold was 21 years old when she appeared before the Assizes in 1845 for the wilful murder of her male child along with her mother, who was accused of harbouring and encouraging her in the crime. Her employer, Miss Davey, was 'a great invalid', and Catherine was attending her when she was suddenly 'taken ill' and appeared in great pain; Miss Davey testified to hearing a 'shrill cry or shriek'. Early the next morning the prisoner left with a bundle, saying that during her illness 'she had made a dirt on the floor' and that her mother would come and clean it up. Three weeks later, Catherine returned to service remarking to her mistress that she had 'got down her fat nicely'. Moreover:

Although the neighbours, and especially those who lived near the residence of the mother had frequently observed that 'Kitty must be in the family way' no stir was made on her suddenly resuming her accustomed shape about Christmas-time.¹⁷

¹⁶ *Bury and Norwich Post*, July 30, 1845. Hydrostacy was one of the crude scientific tests employed to establish whether or not an infant had been born alive. It was based on the principle that lungs which had never taken in air would sink when submerged in water, and float if breathing had occurred. However, the difficulty of ascertaining separate existence from the mother still remained as a baby might breath during the birth process but not survive beyond detachment of the umbilical cord.

¹⁷ *Bury and Norwich Post*, August 6, 1845.

At the trial it was acknowledged that nothing more would have happened had Mr Read, a next-door neighbour, not flushed out of a common drainage well a bundle containing the body of a full-grown male child. This discovery was made some six months later and the fact that the child was immediately linked to Catherine suggests that her pregnancy and disposal of a child, whether still-born or 'destroyed' at birth, was common knowledge.

Like the majority of women tried for infanticide Catherine was unmarried and in service.¹⁸ Domestic service imposed particular restrictions on the movement and social opportunities of working class women; their employers often sought to enforce a strict moral regime, which conflicted with the desire to form relationships and seek marriage partners. The fear that discovery of pregnancy could lead to dismissal encouraged women to conceal their condition in the knowledge that a young woman sacked in such circumstances jeopardised both her livelihood and her reputation. Catherine Jarrold, therefore, faced an insecure future with little prospect of financial support from the father of her child. It appears, however, that in this case family, neighbours and, indeed, her employer were aware of her condition even if it was not openly discussed or explicitly acknowledged. The reporting of the *Bury and Norwich Post* implies a high level of community complicity or acquiescence in an act of infanticide, or at least concealment of the birth and death of a child, which may well have been understood in largely economic and pragmatic terms. Miss Davey's willingness to resume Catherine's position suggests

¹⁸ It should be remembered, however, that the high statistical representation of domestic servants in infanticide cases could be misleading. As Derek Gill points out, the conditions of domestic service also increased the risk of discovery which may, to some extent, account for such a high incidence in this occupational category. (Derek Gill, *Illegitimacy, Sexuality and the Status of Women*, Basil Blackwell, Oxford, 1977, p. 217). Similarly, married couples who sought to avoid the economic burden of another unwanted child may have been less conspicuous, whether they sought a solution in abortion or infanticide.

that she did not consider her crime to be so serious that she should not continue to employ her. If she particularly valued her employee as reliable and hardworking this may have provided the incentive to overlook her misdemeanour.¹⁹ Moreover, as Arnot has suggested, in this period infanticide may have been seen as part of the same continuum as contraception and abortion; indeed, women often denied pregnancy, for 'without an imagined child, no preparations were made for the birth of a child, and the new-born could be despatched without a great deal of trauma'.²⁰ In the reporting of her trial Catherine refers to 'dirt' and 'blood' and 'getting down her fat nicely'. This may not have represented a language of euphemism or concealment so much as a way of seeing and understanding her pregnancy, which was shared by others. It was also popularly believed that a child between birth and baptism occupied a liminal space and therefore that new-born infants were lesser persons. This diminished value attached to infant life was shared by the professional classes; therefore, 'what was and was not considered to be a person was grey both in cultural terms and within the field of medical jurisprudence'.²¹ Catherine's reference to cleaning up the dirt she had made and her disposal of the baby in a common drainage well makes a clear association between the physical products of the birth process and waste or effluent.

Catherine Jarrold was found innocent of infanticide but guilty of concealing the birth of her child; she was sentenced to six months imprisonment. Her mother was acquitted, the judge in his summing up remarking that there was 'no evidence that the mother had

¹⁹ In a case of concealment of birth in 1841, Hannah Clarke of Blyford was convicted and sentenced to 6 months imprisonment. Her employer, a farmer named Richard Prime, was indicted for aiding and abetting her in the offence but was acquitted. This may be further evidence that the community response to infanticide was not always clear-cut.

²⁰ Arnot, 'Gender in Focus', p. 41.

²¹ Arnot, 'Gender in Focus', p. 49.

any knowledge that her daughter had murdered her child'.²² This comment, perhaps unwittingly, betrays the collusion of the legal system in the practice of infanticide.

Completely absent in the reporting of Catherine's trial is any question or discussion of the father of her child; clearly, paternal responsibility was not an issue in the hearing of infanticide cases. An effect of this omission can be seen to be an endorsement of male sexual licence though Baron Alderson's sympathy for Catherine Jarrold appears also to stem from some degree of empathy for women who were left to contend with the implications of pregnancy alone. In a case of concealment of birth presided over by Alderson in 1846, the judge's remarks effected a significant intervention in the outcome of the trial. The accused, a young woman of 17 called Lydia Mott, was sentenced to three months hard labour 'but recommended to mercy on account of her youth'. The evidence of the case is described as 'being of a character unfit for publication' - the face of the child was badly mutilated and even the sex of the baby difficult to ascertain - injuries which may well have resulted from a terrified and inexperienced woman managing single-handed the difficult birth of her first child, desperate not to attract attention to herself. Baron Alderson's concluding remarks were no doubt inspired by a paternalistic or chivalric response to Lydia's 'child-like appearance' but they do at least acknowledge the existence of a sexual double standard. He comments:

I wish we had the man here instead of her, that is all. (To the prisoner) I have the most sincere pity for your situation. Nothing but the necessity of making a proper example to prevent others from committing the offence, induces me to punish you at all, because I cannot help thinking the very situation in which you stand, if you have any feeling, is the greatest punishment that can be inflicted upon you. The man who has been the cause of your

²² *Bury and Norwich Post*, August 6, 1845.

ruin deserves much more severe punishment than yourself, yet he goes free.²³

Thus Lydia is defined as morally compromised, a victim of seduction and her 'ruin' is the primary crime and the main focus of this statement.

It was Baron Alderson who also presided over the trial of Mary Robinson in 1850, accused of poisoning her fifteen-month old illegitimate child by administering corrosive fluid. Medical evidence confirmed the cause of the child's death though the jury acquitted Mary in two minutes, the defence arguing that she had no discernible motive and that her child must have found and drunk the poison accidentally. Whilst this is an entirely plausible explanation for the death of Mary's child, the eagerness of the court to accept it may also have combined with an unwillingness to consider her difficult economic circumstances. Mary's mother, with whom she and her child had been living, testified that several days before the child's death she had informed her daughter that she must seek a place for herself and her baby. With a large number of dependant children in the household, Mary and the grandchild represented an insupportable burden to her and her husband. Within this context infanticide may have provided a desperate strategy for a 24 year old unmarried mother whose presence within the parental home had ceased to be viable.²⁴

When all else failed it appears that leniency was justified in infanticide cases by recourse to the insanity defence, representing perhaps the most significant attempt to silence women and divert attention from their social and economic predicament. At her trial

²³ *Bury and Norwich Post*, August 5, 1846.

²⁴ *Bury and Norwich Post*, August 7, 1850.

before the Suffolk Assizes in August 1852, for the murder of her female bastard child, Maria Stewart's statement made before the magistrates was read out. It contained a clear confession of guilt:

**I buried the child in the lodge, having strangled it with my garter.
Nobody knew anything about it but myself.²⁵**

Maria was a 22 year old dressmaker from Cockfield who, since leaving the family home in Lavenham at the age of 12, had worked to support herself. Her crime can be understood in rational, economic terms and within a cultural context in which the life of the new-born was ascribed a lesser value. Maria, however, was judged to be not guilty of the crime of infanticide, the jury refusing to accept the statement of an 'insane woman'. Her case had been adjourned from the previous Assizes on the evidence of the surgeon to the gaol who questioned Maria's state of mind; 'puerperal mania' was diagnosed and restraints were used on her in prison. Her insanity was also established through the testimony of her father in court who suggested an hereditary condition by listing family members who had also suffered mental instability. Maria's aunt had died insane; her uncle had attempted 'self-destruction' and the inquest on her grandfather pronounced 'suicide from insanity'. Indeed, by the end of the trial it was even being questioned whether Maria had given birth to a child at all.

We cannot know the precise circumstances surrounding Maria's pregnancy, the birth of her child and its subsequent death. We can, however, begin to conceive of the trauma, perhaps sheer terror and distress, which must have surrounded her experiences and actions. There can, indeed, be no doubt that Maria's pregnancy represented a huge economic burden and social disadvantage. Moreover, she would have had to contend

²⁵ *Bury and Norwich Post*, August 4, 1852.

alone with the physical and emotional experience of her condition including the delivery of her baby. Even in the context of the diminished value of the new-born's life and the close association with abortion, Maria's decision to strangle her child, and the execution of this act, must have been harrowing in the extreme. What was defined by surgeons and lawyers as insanity was most probably the behaviour of a panic-stricken and terrified young woman. The insanity plea presented and accepted in Maria's case, however, together with the specific diagnosis of 'puerperal mania', explained her actions in the restricted terms of personal malfunction. Her crime became the product of her mental susceptibilities as a woman, which were deemed particularly acute in the period after childbirth.²⁶ For, as Roger Smith argues, 'as the medical connotations of 'insanity' became stronger they changed the perception of acts like infanticide. The medical language of individual, internal disorder emptied the violent act of external social meaning'.²⁷ The connections forged between a woman's physiology, in this case the disruption of childbirth, and diminished criminal responsibility was part of a wider biological definition of womanhood in which the uterus and the brain were inextricably linked. It was because of this close identification that women could be described as passive instruments of their reproductive apparatus and functions, rendering them mentally unstable.²⁸ Indeed, the very leniency demonstrated towards some infanticidal

²⁶ By 1850 'puerperal mania' was defined as a mental disorder that afflicted women in the period immediately after confinement. It was seen as closely associated with the physiological disruption of giving birth but also 'expressed in symbolic form a deviance latent in every woman'. Abnormal female behaviour was a main symptom of the illness which, it was believed, suppressed moral responsibility and a woman's control over her actions. For a detailed discussion of the insanity defence in infanticide trials see, Roger Smith, *Trial By Medicine: Insanity and Responsibility in Victorian Trials*, Edinburgh University Press, 1987, pp. 143-156.

²⁷ Smith, *Trial By Medicine*, p. 149.

²⁸ For a detailed exploration of the gendered construction of mental illness in this period see, Elaine Showalter, *The Female Malady: Women, Madness and English Culture, 1830-1980*, Virago Press, 1987. See also Jill L. Matus, *Unstable Bodies: Victorian Representations of Sexuality and Maternity*, Manchester University Press, 1995. Matus argues that although sex, and indeed gender, was fundamentally considered a predetermined biological condition in this period, it was nevertheless

women on the basis that they could not help themselves, confirmed their lack of autonomy. In infanticide cases, therefore, the insanity argument denied women rational explanations, ignored their social distress and misrepresented the causes and nature of their suffering.

In order to establish the mitigating condition of insanity, women like Maria Stewart had to tell their stories; it is important to treat their words seriously. Maria not only admitted to her crime but led the authorities to her dead child suggesting that she was deeply disturbed by her experiences. Her expressions of guilt and fear are indicative of a conscious and rational understanding of her desperate situation. Having buried the baby in a lodge about a foot deep she was discovered wandering on Cockfield Green by a policeman to whom she volunteered: 'I suppose you are come after me - I am sure I shall be hung'. Once taken into custody Maria told the magistrate to search the lodge, leading to the discovery of the body. In the judgement of the court, 'her mind appeared quite gone'²⁹. However, uncomfortable questions about her predicament were evaded and her distress and suffering were reconstructed in less challenging terms.

Sarah Bly was a married woman of 35 from Lowestoft and a mother of four children; like Maria Stewart she freely confessed to killing her new-born child and also to attempting to take her own life. On January 7, 1850, her mother, Ann Ames, arrived at her daughter's home and in her testimony described the scene she discovered:

I was going to dress the babe and on looking into the bed I saw the child lying dead, with its throat cut. I was frightened and went to

believed that female behaviour could be influenced by cultural interference. She asserts, for example, that, 'Some of the effects of modern life were thought to be responsible for hysterical women and mothers who refused to nurse; the degraded conditions of working class life produced a blighted and degenerating reproductive body' (p. 9).

²⁹ *Bury and Norwich Post*, August 4, 1852.

look for the father and Mrs Chapman, a neighbour. On again going upstairs with Mrs Chapman I saw that my daughter's throat was cut and that a razor lay there. My daughter was of very frail constitution, inclined to consumption. She had been a very kind mother to her children.³⁰

In this particular case, Sarah Bly's actions were undeniable; they were also clearly carried out by a deeply depressed and disturbed woman recovering not only from the birth of her fourth child but also from recent illness. The surgeon who examined Sarah and her dead baby testified that he had recently attended her and the children for typhus fever.

The newspaper reporting of Sarah's trial in August, 1851, focused attention on her insanity at the time of committing the act. George Cleveland, the surgeon who delivered her child and attended the scene on January 7, described Sarah as being 'in a very excited state', 'she did not speak to me, but stared exceedingly'. He also attributed her condition to a derangement of the mind precipitated by childbirth, informing the judge:

It is not uncommon for women after confinement to be excited and for this excitement to vary in degree. When I first saw her I thought it very doubtful whether she were in a sound state of mind.³¹

Mr Worthington, the surgeon who dressed her wound on January 7, commented that in the course of this painful operation 'she evinced an absence of all physical feeling', concluding that, 'my impression was distinctly that she was suffering from mental aberration'. Without denying the devastating symptoms of post-natal depression for many women, the ascribing of Sarah's crime to a mental 'aberration', a temporary imbalance of the mind triggered by the physical disruption of childbirth, narrows the

³⁰ *Bury and Norwich Post*, April 9, 1851.

³¹ *Bury and Norwich Post*, April 9, 1851.

explanation for her experiences. Clearly 'insanity' or mental illnesses such as depression represent a very real form of human suffering; they are, however, often linked to social conditions such as poverty and family relationships. We know that in the later months of pregnancy Sarah had to care for three children suffering from typhus, also having the disease herself. In all probability she endured her hardships with inadequate material resources for herself and her family. Summing up Judge Power said there was no doubt that Sarah had killed her child 'but the humanity of the law made no-one responsible where the will was not under the control of the judgement'. She was ordered to 'be kept in strict confinement for the rest of her life'.³² Whether or not Sarah was in control of her actions, the representation of her crime, through the reporting of the legal process, fails to fully explore the nature and cause of her distress to which external conditions and factors made a significant contribution.

In the reporting of the cases of Catherine Jarrold, Sarah Bly, Mary Robinson and Maria Stewart, the accused women are portrayed as victims themselves. They are either child-like, young and ignorant, or physically and mentally frail. Unlike the female poisoner who was convicted of spousal murder they are not cunning murderesses but confused, temporarily deranged and pathetic women. It is preferable to understand their crimes in physiological terms than to probe too deeply their social and economic predicament, which would have much wider ramifications. Thus poverty, low wages, lack of childcare and social isolation are relevant issues which are conveniently side-stepped. It is significant that in the cases of the women who were unmarried the issue of paternal responsibility was not raised, nor the circumstances in which they became pregnant; as a result there is a crucial aspect of their stories which remains untold. As these cases were

³² *Bury and Norwich Post*, April 9, 1851.

defined as domestic tragedies no serious investigation into the economic, cultural and social circumstances surrounding them was pursued.

However, not all cases of infanticide were treated sympathetically which raises the question as to what distinguished those women and their crimes who were dealt with less leniently. Two such women were Maria Clarke and Emma Mussett who were both tried before the Suffolk Assizes and found guilty of the murder of their new-born babies, although it is presumed that their life sentences were subsequently commuted.³³

Maria Clarke's case was heard in April 1851 and reported in the *Bury and Norwich Post*. A single woman, Maria entered the Depwade Union Workhouse at Pulham Market in Norfolk shortly after Michaelmas in 1850 to be confined for the birth of her child the following March. Shortly after the birth, Maria was sighted walking towards Wingfield Green with a child in her arms and a spade; half an hour later she was seen again with the baby and no spade.³⁴ The same evening, Maria and her child rested at the home of Eliza Bennett before she finally arrived alone at her stepmother's house saying that she had some things to wash. On being asked where her son was Maria replied that 'he was gone to his aunt's to be made a gentleman of; he was to be a shopkeeper'. The next day on closer questioning Maria admitted to having buried her child alive and she led the constable to the place where she had left her baby.³⁵

³³ No woman was hanged for infanticide after 1849.

³⁴ The prosecution in the case maintained that Maria Clarke visited the site where she intended to abandon her child, cold-bloodedly preparing the place of burial to which she later returned.

³⁵ *Bury and Norwich Post*, April 9, 1851.

Within Maria's account of the abandonment of her baby there is a sense of dilemma and ambivalence, of not wishing the child to die but equally being unable to cope with the implications of his life. Maria's initial story that her baby was with an aunt 'to be made a gentleman of' probably represents wish-fulfilment and her keen sense of the very limited prospects both for herself and her young son. According to the reporting of her trial, at the point of her arrest Maria had declared: 'although I have done this I loved my child'.³⁶ There is no reason to doubt that genuine feelings for her baby contributed to a whole complexity of emotions, which Maria must have experienced. That infanticide could co-exist with the love of a child is a possibility that should not be denied within this moral maze. Perhaps most significant to the outcome of this case, Maria is also reported to have announced that the previous Michaelmas she had received a promise of marriage but only on the condition that she did not have the encumbrance of a child. In very real economic and social terms, therefore, Maria's baby must have represented, in the words of Hetty Sorrel in *Adam Bede*, 'a heavy weight hanging around my neck'.³⁷ It is this conflict of fundamental feelings and interests which lies at the heart of the experience of infanticide.

Despite all the signs of a successful plea of insanity, Maria was found guilty 'in a moment' and sentenced to death. Her defence had argued that her conduct was 'inconsistent with that of a sane and responsible being' but altogether consistent with a lack of mental accountability induced by the process of childbirth. Her confinement had:

Left a degree of mental infirmity that the slightest exciting cause would reproduce. Such an exciting cause [...] might be found in the protracted exposure to the wet and cold, induced in the prisoner on the night in question. Her conduct more resembled

³⁶ *Bury and Norwich Post*, April 9, 1851.

³⁷ George Eliot, *Adam Bede* (1859), Penguin, 1985, p. 454.

the peculiar phenomena of somnambulism than anything else, in which [...] persons performed many of the ordinary functions of life and walked over dangerous precipices with extraordinary caution and safety.³⁸

Here, the hypothesis that Maria caused the death of her child whilst in an altered state highlights the construction of the physically and mentally volatile post-partum woman for whom the slightest trigger could result in extraordinary behaviour. The reference to sleepwalking particularly suggests a loss of consciousness and control, and strips her actions of any rational meaning. In this case, however, the insanity defence was rejected and Maria's actions were judged as a moral crime. What appears to be crucial to her guilt is the suggestion that the prospect of a relationship influenced her course of action, that she sacrificed her child because he represented an impediment to her own future happiness. In summing up, the judge highlighted Maria's loss of feminine virtue and her preparedness to abrogate maternal instincts in favour of her own desires:

The first step from virtue assuredly led to a fatal issue: here a harmless, innocent and honourable attachment offered itself, and then she found the cup of happiness she otherwise might have enjoyed struck from her lips. She for a moment smothered those feelings which were implanted in the breast of a parent, and in an evil hour, possibly in forgetfulness, yielded to the fatal temptation.³⁹

Mental instability as a product of physiological disturbance is thus rejected, and Maria's crime is represented in terms of a more calculated act and submission to passion.

However, the verdict passed on Maria Clarke elicited a response from a 'number of gentlemen in Ipswich' who interested themselves in her case and collected and published evidence in the local newspaper to prove her insanity. The explanation for her crime

³⁸ *Bury and Norwich Post*, April 9, 1851.

³⁹ *Bury and Norwich Post*, April 9, 1851.

became a struggle between moral character and biological determinism, Maria's stepfather producing a statement that implicated hereditary insanity, a feature of which were sudden and unprovoked acts of violence. He claimed that:

Maria was very odd, and at these times disposed, like her mother to be destructive; at other times she was a quiet, kind-hearted girl. Her mother's sister, Patient Clarke, living near Wisbeach, is also similarly affected, and on these occasions requires 5 or 6 men to hold her.⁴⁰

Maria's former employers referred to her 'frequent fits of excitement', her 'aberration of mind' and her 'extreme depression of spirits', though she could also be 'mild, quiet and kind to five young children'. This unpredictability suggested an instability of mind and behaviour; a volatile female nature which was difficult to control. Clearly to those who had family "connections" or for whom she had been employed as a domestic servant, Maria's reputation as mad rather than bad mattered. Presumably her insanity was the more comfortable option, again indicating the strong rejection of rational explanations despite the initial judgement of the court. Petitions on behalf of the prisoner were signed at various places of worship by 1,798 people, sent to J. C. Cobbold, MP, and presented to Sir George Grey. Maria Clarke was not executed and it is therefore assumed that this campaign on her behalf was successful.

Unlike Maria Clarke, Emma Mussett's conviction for the murder of her child at Nayland cannot obviously be linked to economic and social distress. A married woman of 29, Emma's first pregnancy was not concealed and it was the lack of motive for her apparent crime which marked it as such a serious offence. In his opening remarks to the March Assizes, 1856, the judge warned:

⁴⁰ *Bury and Norwich Post*, April 16, 1851.

There is a case, of a serious character, of child-murder against a married woman - a case which there are not only none of the ordinary circumstances which compel the court to take a mitigated view of the subject, but a case which if proved, is of a very serious kind.⁴¹

More than anything else it was Emma's situation as a married woman with no recognisable extenuating circumstances that was to form the basis of a harsher judgement.

The detail of the reporting of her case reveals that Emma experienced a sudden and premature labour. On February 29, 1856, she called her neighbour who 'saw a great deal of blood about the house'; Emma asked that a Mrs Oakes be called 'to do up that mess'. Initially Emma denied to her neighbours and to the doctor that she had had her baby despite the evidence of the afterbirth.⁴² Following the surgeon's conclusive examination, Emma 'went to a box and took out a bag containing the body of a full-grown child; she said it was stillborn. It had a deformity on its head'. Medical testimony provided detailed description of the injuries to the child's head and face concluding that they had been caused by the child having been laid on a hard surface and struck repeatedly with a round-cornered instrument. Blood and hair were also found in the coal-house, though Emma claimed that this was rabbit's blood. The surgeon who attended her claimed that he saw no signs of puerperal fever in the prisoner and no indications of a protracted labour.⁴³ Emma's defence highlighted the lack of any attempt to conceal the pregnancy

⁴¹ *Bury and Norwich Post*, April 2, 1856.

⁴² Women who gave birth alone to stillborn babies realised that they would be the target of suspicion. In 1853, for example, Elizabeth Potter convicted of concealment claimed that she disposed of her child's body for fear of being charged with murder. Having described an extremely traumatic birth she continued, 'I cried over it, and said, "What a nice dear you are. I wish you were alive and I could dress you"'. Her words betray attachment to her child and her distress that it had failed to survive. The act of concealment, it seems, was motivated by her entirely reasonable fear that her own account of her experiences might be doubted. *Bury and Norwich Post*, August 2, 1854.

⁴³ *Bury and Norwich Post*, April 2, 1856.

and argued Emma's innocence on the grounds of temporary madness triggered by the sudden and early delivery of her child.

While it is impossible to know exactly what Emma Mussett experienced, the testimonies that detail the circumstances leading to her arrest suggest a terrified woman who had suffered a painful and frightening physical and emotional ordeal. Lucy Pitcher who accompanied Emma to the gaol repeated her account of the labour and self-delivery of her baby:

She said the baby was born on the hearth, and that she was on her knees, and had a great deal of trouble in the delivery and suffered very much, that she never worked so hard in her life as she worked to deliver herself, being obliged to help herself a great deal, that the head was born first, that she sat and walked about the room, and that she afterwards took the child into her bedroom. She added that folks said it was a beautiful child. [...] Prisoner said that it was not hurt anywhere but in the head, and that if she had taken ever so much care of it, it would never have lived.⁴⁴

The references to 'trouble', 'suffering' and never in her life having worked harder, speak of the sheer physicality of the process of giving birth for which Emma was clearly unprepared and received no support. Moreover, her pride in the beauty of her child and declaration that she could have done nothing to save it, suggest that she valued its life and had certainly not planned its death. This was not an account, however, to which the all male judge and jury were attuned; as far as they were concerned:

This was no ordinary case of child murder, in which they saw bar, bench, and jury, all striving to screen the unhappy creature who had motives for concealment of birth. It was not the case of a person driven by desperation to murder her child in order to conceal from the world that which would be a mark of lasting infamy.⁴⁵

⁴⁴ *Bury and Norwich Post*, April 2, 1856.

⁴⁵ *Bury and Norwich Post*, April 2, 1856.

In their blinkered and clichéd understanding of what the cases which they heard represented, they failed to appreciate, not only that this was 'no ordinary case of child murder', but that it was, in all probability, a by no means uncommon account of the physical and emotional trauma resulting from a difficult self-managed labour, the complications of which may have led to the subsequent death of a child. Emma Mussett was not a 'ruined' woman; her pregnancy had occurred within marriage and she did not, and had no reason, to hide it. The suspicions aroused by the death of her child, which it seems she anticipated, highlight the social anxieties surrounding childbirth and the lack of appreciation of the legitimate factors which might result in stillbirth or death due to complications in labour. With no witnesses medical and legal expertise drew the worst conclusions, that Emma Mussett had deliberately and callously destroyed her new-born child. Remarkably, no consideration was given to what her motive might have been. Had she been a young, single domestic servant Emma would have fitted a more familiar and better understood narrative in which mitigating circumstances could come into play, and her crime commuted to concealment of birth.

In the newspaper reporting of infanticide cases heard before the Suffolk Assizes between 1830 and 1860 there is a discernible, but not unequivocal, attitude of leniency; there is also a skirting of underlying conditions and a particular appropriation of the experiences of women. Unmarried women who took desperate measures as they faced the prospect of illegitimate births could be defined in terms of a particular form of victimhood; as pitifully naïve and sexually exploited, or mentally deranged, the passive victims of their biology. Their circumstances entitled them to mitigation; they were 'unhappy creatures' to be 'screened' by the law and its associated professional bodies. However, judgements about character and sexual reputation could always prove to be an overriding factor in

individual cases. Hence Maria Clarke who, it was suggested, sacrificed her child for the promise of marriage and individual happiness was judged more harshly than others deemed more worthy of a sympathetic response. Notwithstanding such discriminations, the legal process and the media reporting of it was prepared to collude in infanticide and concealment of birth as a means of avoiding the real problems of illegitimacy and the impossible economic and social dilemmas which many poor women faced. In its reporting of the "facts" the *Bury and Norwich Post* echoed the priorities of the courts which privileged medical and forensic expertise in the definition of infanticidal acts. The telling of their stories by accused women were heard not for their own sake, therefore, but to corroborate professional opinion on issues of live birth and insanity. This is not the case in George Eliot's treatment of her fictional infanticidal woman, Hetty Sorrell, in *Adam Bede*, who is allowed to articulate her experiences from the prison cell in a private confession though is thereafter silenced, demonstrating again an ambivalent attitude to mothers who murdered.

**Infanticide in literature:
The portrayal of Hetty Sorrel in *Adam Bede***

George Eliot's *Adam Bede*, published in 1859, has been described as a key text in raising public consciousness about the issue of infanticide in the mid-nineteenth century. Located within a specific historic context the novel was inspired by the reporting of actual cases and, in common with much of the literature of this period, claimed 'factional' authority. Eliot's writing was propelled by a didactic impulse and aimed to instruct rather than merely entertain. As a work of literature, however, *Adam Bede* constituted a distinctive mode of representation; its aesthetic qualities and its opportunities to deploy the imagination to explore the human condition and the complexities of human

motivation distinguished its aims and strategies from the journalistic reporting of Assizes trials. It had its own audience, its own effects and its own social authority.

Receiving wide but not unanimous, critical acclaim the novel sold well, earning Eliot in excess of £1,000 in less than a few months. Considering the high cost of novels at this time, however, the stocking of 1,000 copies of Eliot's book by Mudie's Select Circulating Library is a more significant factor in its reaching a wide popular audience.⁴⁶ Patricia Stubbs has emphasised the influence conservative, commercial men such as Mudie could have on dictating standards of literary morality through an unofficial system of censorship; writers who violated social and sexual conventions were silenced by respectable publishers, editors and librarians. As Stubbs comments, 'The inoffensive heroine who could shock no-one was a highly political creature and only the most determined of writers were prepared to modify, let alone transform her'.⁴⁷ Although Eliot's portrayal of Hetty Sorrel is not that of an 'inoffensive heroine', her identification with, and empathetic treatment of, her social and personal distress is carefully balanced by an abandonment of her character towards the end of the novel. Ultimately, Hetty must suffer the consequences for her moral ineptitude and personal immaturity, and if the infanticidal woman is allowed a voice at the point of her crime and the circumstances surrounding it, it is at the expense of the only permissible ending; social isolation, obscurity and death must be the fate of the fallen woman. As Brian Spittles comments, 'there is [...] a moral chain of cause and effect in Eliot's fiction, payment is always

⁴⁶ Brian Spittles, *George Eliot, Godless Woman*, Macmillan 1993, p. 39.

⁴⁷ Patricia Stubbs, *Women and Fiction, Feminism and the Novel 1770-1920*, Methuen, 1979, p. 25.

exacted for misdemeanour'.⁴⁸ It was presumably this rather satisfying aspect of her work which secured the general approval of the literary critical world.

Adam Bede is set in a period before the greatest economic and social changes of the nineteenth century had occurred, opening in 1799 and ending in 1807. Most of the action of the novel takes place in the rural community of Hayslope, though the neighbouring factory town of Stoniton is a reminder that fundamental changes were taking place in society. Hetty Sorrel, a young, orphaned woman, works in the dairy and as a domestic help for her uncle and aunt, Mr & Mrs Poyser, tenant farmers on the Donnithorne Estate. Hetty is infatuated with and seduced by Arthur Donnithorne, the heir of the estate, but her high social expectations of what the relationship might lead to are shattered by Arthur's ending of their affair. Subsequently Hetty has become betrothed to Adam Bede, an honest and respectable artisan, when she realises that she is carrying Arthur's child. To avoid shame, and in panic, she leaves Hayslope in search of Arthur and whilst on her wanderings gives birth to the child which she leaves to die. On the discovery of the baby Hetty is arrested and tried, and though found guilty and sentenced to death receives a reprieve at the last minute and is transported to the colonies where she dies some years later. The final book of the novel deals with the marriage of Hetty's former fiancé, Adam, to Dinah Morris, her virtuous, Methodist-preaching cousin to whom she had outpoured her whole story in prison. By this time, Hetty has faded from the novel and the reader learns nothing more of her development after the emotional climax of her confession.

⁴⁸ Spittles, *George Eliot: Godless Woman*, p. 52.

The story of infanticide as told in Eliot's *Adam Bede* focuses on female vanity and naiveté, leading to seduction by a man of a higher social rank and inevitable downfall. In this sense, it is a very different narrative to the reporting of infanticide cases in the newspapers where the social circumstances surrounding the crime are not investigated or made relevant to the account. Although Eliot's recourse to the seduction theme indulges a familiar, melodramatic stereotype, which does not represent the more commonplace economic and social realities of the lives of working-class women, her willingness to explore Hetty's suffering and distress at least acknowledges the emotional and mental trauma of women who confronted the prospect of an illegitimate birth in difficult circumstances.

Rather than temporary mental derangement stemming from the physiological impact of childbirth, in *Adam Bede* Hetty Sorrel's crime against her child and her ensuing demise proceed from her total self-possession, moral immaturity and all-consuming vanity. Preoccupied with her own appearance and dress she is absorbed in fantasies of becoming a grand lady. As she dreamed of fine silks, decorating her hair with feathers and riding in a coach, Arthur Donnithorne's attentions set her 'little silly imagination alight'. For:

Bright, admiring glances from a handsome young gentleman, with white hands, a gold chain, occasional regimentals and wealth of grandeur immeasurable - those were the warm rays that set poor Hetty's heart vibrating and playing its foolish little tunes over and over again.⁴⁹

We are told that Hetty's dreams 'were all luxuries' - a carpeted parlour, fashionable earrings, Nottingham lace - material adornments which highlight her spiritual impoverishment and shallow preoccupations. Hetty's real love is herself as she admires

⁴⁹ George Eliot, *Adam Bede* (1859), Penguin 1985, p. 97.

her reflection in the mirror, a 'devout worshipper' before her own image, performing a 'religious rite'. Significantly, Hetty's struttings and self-display 'with a pigeon-like stateliness backwards and forwards along her room, in her coloured stays and coloured skirt', is juxtapositioned with her cousin Dinah's spirituality, who is concurrently engaged in thoughts and prayers for others. In her reflections on Hetty, Dinah anticipates her social and moral exile, as she muses:

That sweet young thing, with life and all its trials before her - the solemn daily duties of the wife and mother - and her mind so unprepared for them all; bent merely on little foolish, selfish pleasures, like a child hugging its toys in the beginning of a long toilsome journey, in which it will have to bear hunger and cold and unsheltered darkness.⁵⁰

Thus Hetty's femininity is defined by a language of immaturity and childishness, even indulgence. She is 'the little puss', 'the dear young, round, soft, flexible thing', she is 'this kitten-like Hetty', 'a young plant with hardly any roots'. Mason Harris has suggested that Eliot presents us not with an 'adult sinner' but a 'confused child' as highlighted by her frequent comparison of Hetty to small, young animals - playful, self-focused and innocent. Hence:

In her obsession with costume, Hetty is not a temptress but a little girl. She projects her childhood interest in clothes and rivalry into adult relationships, thinking of marriage as an occasion 'when she would have a silk gown and a great many clothes all at once'.⁵¹

Even Hetty's concern that her pregnancy will be discovered, Harris suggests, is an extreme form of narcissism rather than any deep or genuine feeling of shame, as her moral immaturity does not allow for this.

⁵⁰Eliot, *Adam Bede*, p. 156.

⁵¹ Mason Harris, 'Infanticide and Respectability: Hetty Sorrel as Abandoned Child in *Adam Bede*', *English Studies in Canada*, IX, June 1983, pp. 178-183.

The question still remains, however, as to how these childhood metaphors are to be interpreted; how Hetty's crime against her baby is to be understood when she is represented as no more than a child herself, certainly in her emotional, moral and spiritual state if not in physical terms. In the outcome of the story, Hetty is punished for her sins but the nature of her transgression needs to be established. Brian Spittles has suggested that Hetty's "real" crime was her contravening of social mores and values, that her 'legal crime is infanticide, but her real sin is the sexuality she indulged'⁵²; as an unmarried woman Hetty's moral imperative should have been to repress rather than to indulge any sensual desires. Harris, on the other hand, argues that the emphasis on Hetty's child-like nature suggests that sensuality is not the focus of Eliot's attack, but rather that her self-absorption is a cultural product and an indictment of the values of the class and community to which she belonged. Therefore, instead of seeing Hetty as a 'sinful intruder on pastoral innocence', Eliot asks us to understand Hetty's shame in terms of the class attitudes by which she is tied, for:

Childishly dependent on the values of her community, she remains trapped in a world which cannot recognise the isolated individual; yet her anguished confusion provides the novel's most intense portrayal of individual experience.⁵³

Thus Mr Poyser's rejection of his niece parallels Hetty's murder of her child, indicating the need for 'a more conscious morality than that of tradition-bound Hayslope'.⁵⁴ Eliot's strong moral sense, therefore, rather than being rooted in middle-class prudery, is directed primarily against egoism and self-obsession as a central human vice. Hetty's isolation does not begin with her crime but with her psychological exclusion of anyone and everything which does not impinge on her own life. Her pitiful wanderings as a

⁵² Spittles, *George Eliot: Godless Woman*, p. 52.

⁵³ Harris, 'Infanticide and Respectability', p. 179.

⁵⁴ Harris, 'Infanticide and Respectability', p. 184.

frightened, pregnant woman also symbolise an inner wilderness and implicate the community that has abandoned her and whose values she has assimilated. This emphasis corresponds with what has been described as Eliot's 'religion of humanity', for having rejected Christianity in the 1840's she located her belief in the human, moral order as manifested in affective relationships between individuals.⁵⁵

However, whilst Eliot's portrayal of Hetty Sorrel and her crime undoubtedly explore class as well as gender issues, the image of Hetty as a self-possessed child is also highly informed by nineteenth-century ideas about the nature and ideal of womanhood. Here Eliot is doing much more than 'incidentally commenting on the masculine idealisation of childishness in women'⁵⁶; for, at the heart of Hetty's feminine attractiveness for Arthur Donnithorne and her subsequent downfall are her infantile qualities. Eliot describes Hetty's beauty as:

That of kittens, or very small downy ducks, making rippling noises with their soft bills, or babies just beginning to toddle and to engage in conscious mischief - a beauty with which you can never be angry.⁵⁷

The 'beauty' which Eliot indulgently describes celebrates the foibles and endearing characteristics of the small child. For although she is critical of Hetty's immaturity, her whims and childlike pleasures are also portrayed as charming, engaging in their own particular way and difficult to resist. Thus, there is a sense of patronising indulgence mingled with contempt and pity. For Eliot, beauty is a troublesome phenomenon and she expresses anxieties about forms of femininity whilst also confirming stereotypical ideas.

⁵⁵ Bernard J. Paris, 'George Eliot's Religion of Humanity' in G. R. Creeger (ed), *George Eliot: A Collection of Critical Essays*, Prentice-Hall, Inc, USA, 1970, p. 13.

⁵⁶ Harris, 'Infanticide and Respectability', p. 190.

⁵⁷ Eliot, *Adam Bede*, p. 84.

It is the shallowness of Hetty's character which attracted the attention of contemporary reviewers, confirming their perceptions of the nature of women. The *Westminster Review*, which assumed male authorship of the novel, judged it to be 'a work of high class' and commented of Hetty Sorrel:

In fact, with the exception of her extraordinary beauty, she might be justly regarded as typical of a large number of her sex: she was ignorant, vain and entirely wrapped up in herself.⁵⁸

The less favourable review in the *Times*, which also believed the novel to be written by a man, considered that the demise of Hetty, 'a silly girl', although skilfully explored in *Adam Bede* 'is never a pleasant nor a profitable subject for meditation and might have been spared'. Hetty's 'utterly thoughtless character', however, is deemed realistic and not unrepresentative of her sex as expressed in the following observation:

She, perhaps, might be accepted as a fair example of the truth of Pope's very unjust saying, 'Most women have no characters at all'. Not that she is unreal - she is drawn to life; but she is one of those who are so much less than they seem to be, whose most significant acts mean so little, that it is not easy to fix upon any central principle in their nature, any strong point of thought or word, or act which belongs to them.⁵⁹

Hetty Sorrel's superficiality, therefore, was instantly recognised and whether or not Eliot intended it her characterisation of her suited and reaffirmed a familiar stereotype.

Eliot portrays Hetty as a victim of her own vanity and moral immaturity and possibly also of a male idealisation of her child-like qualities, though to some extent she colludes in this construction of femininity. Her exploration of the social and economic contexts surrounding infanticidal acts is, therefore, limited by her focus on the "female character" and its susceptibilities. However, her account, of Hetty's confusion, anguish and

⁵⁸ *Westminster Review*, 71, April 1859, p. 494.

⁵⁹ *Times*, April 12, 1859.

isolation as she leaves Hayslope, gives birth to her child alone and then abandons her, represents the high point of Eliot's interest and empathetical involvement in her situation. She captures Hetty's 'scorching sense of disgrace' as she exiles herself. From the condemned cell and through her confession to Dinah she allows her to articulate her feelings of fear and despair, her sense of entrapment, and the ambivalence and confusion which governed her responses to the child. Hetty's account emphasises the crying of the baby, which haunted her and reverberated in her head after she had left her in a hole by a tree partially covered with grass and bark chips. She declares:

**I did do it, Dinah ... I buried it in the wood ... the little baby ...
and it cried ... I heard it cry ... ever such a way off ... all night ...
and I went back because it cried.⁶⁰**

Hetty is drawn back to her abandoned child almost against her will; her actions are involuntary and express a maternal instinct to care for it. At the same time as not wishing her baby to die she desperately longs to return to Hayslope and resume her former life but is prohibited from doing so with an illegitimate child. Expressing the turmoil of her emotions, she explains:

**I longed so to be safe at home. I don't know how I felt about the
baby. I seemed to hate it - it was like a heavy weight hanging
round my neck; and yet its crying went through me and I
daredn't look at its little hands and face.⁶¹**

Literally torn between her feelings for her child and the desire to return to the familiarity and security of her former life Hetty's dilemma is irresolvable. Her baby represented, therefore, both an obstacle to her own happiness and a precipitator of maternal emotions which she could not suppress. It is this conflict which leads Hetty to confess, 'I don't know how I felt about the baby'.

⁶⁰ Eliot, *Adam Bede*, p. 452.

⁶¹ Eliot, *Adam Bede*, p. 454.

The story of Hetty's seduction by the aristocratic Arthur Donnithorne has few resonances with the infanticide cases, as reported in the *Bury and Norwich Post*; however, Eliot's portrayal of Hetty's suffering at the point of her crime allows for an exploration of the complex and contradictory set of meanings, which the act of infanticide must have had for the women who committed it. In her representation of Hetty Sorrel's crime the infanticidal woman is given a rare voice, a voice which is not silenced by recourse to the insanity plea. Thus the reader is allowed insight into Hetty's thoughts and feelings at the height of her ordeal. The *Westminster Review* in 1859 commented that the portrayal of Hetty's wanderings was the only part of the novel which was not consistent with male authorship; Hetty's vanity and seduction could be imagined without much difficulty, but her trials subsequent to the discovery of her pregnancy 'could only be delineated as it is by an author combining the intense feelings and sympathies of a woman with the conceptive power of artistic genius'. Although the reviewer implies that only a woman could empathise with Hetty's 'unreasoning impulses and seeming caprice' he does also acknowledge the rare accomplishment of Eliot's novel in exploring this experience from the viewpoint of the infanticidal woman.⁶² However, it appears that Eliot's identification with her heroine's experience ends at this point. Hetty's trial is not only a male-dominated affair but Eliot also chooses to foreground *Adam Bede's* emotions and suffering in her account of it. Adam, we are told, 'trembled at the thought of seeing her changed face' and 'chose initially to bear the long hours of suspense, rather than encounter what seemed to him the more intolerable agony of witnessing her trial'. He receives reports of the court proceedings from Bartle Massey, and finally 'haggard and unshaven' decides that he must stand by her as she receives the verdict. As the jury retired, 'Adam felt a shuddering horror that would not let him look

⁶² *Westminster Review* 71, 1859, pp. 510-11.

at Hetty, but she had long relapsed into her blank hard indifference'. With the passing of her sentence, Hetty let out a 'piercing shriek' and 'Adam started to his feet and stretched out his arms towards her; but the arms could not reach her; she had fallen down in a fainting fit and was carried out of court'.⁶³

Eliot's identification with Hetty's position cannot extend to the formal and public context of the courtroom, and the distancing of Hetty from the action in the remainder of the novel is further evidence of the limited interest Eliot can afford to show in her heroine. Although she is willing to explore the contradictions between the ideology of womanhood and the realities and frustrations of women's lives her moral philosophy, and in particular her belief in the moral responsibility of the individual, constrain her social investigation. Eliot, nevertheless, credits Hetty's suffering with a rationality that the legal process often denied in such cases; ironically the outcome for her heroine was more severe than for many of her non-fictional counterparts. Although Hetty's death sentence is commuted to transportation she still faces a life of exile and Eliot refuses to say anything about her further life. As G. R. Creeger has commented, she 'might just as well have had her hanged to begin with'.⁶⁴

Moreover, although unlike the newspaper reporting of infanticide cases, the father of Hetty's child does not remain anonymous or irrelevant to the discussion, Eliot's treatment of Arthur Donnithorne reinforces the double standard of sexual behaviour. Arthur does suffer, though far from equally - on hearing of Hetty's pregnancy just

⁶³ Eliot, *Adam Bede*, pp. 427-438.

⁶⁴ Creeger, 'An Interpretation of *Adam Bede*', in Creeger (ed), *George Eliot: A Collection of Critical Essays*, p. 100.

before her trial he accepts his guilt and subsequently, by means of a self-sacrificial exile to India, reconciles himself to the community he has violated. But Hetty has forgiven him, he re-establishes his friendship with Adam and is able to make a happy return to Hayslope seven years later. Clearly Arthur's punishment is much less severe and Hetty, for whom no hope or reconciliation is offered, exacts a higher price for her sexual indulgence.

Eliot's moral sympathies for Hetty Sorrel and her crime of infanticide has its limits and although she is willing to explore the position of such women in society, she stops short of questioning prevalent gender ideologies. As Patricia Stubbs has concluded:

She never oversimplifies her women, her notions of morality are infinitely more subtle than most of her contemporaries, and she invariably places an ironic distance between herself and the positive, ardent women characters. But the underlying moral patterning is still there, placing and pigeonholing the good and the bad.⁶⁵

Although Eliot does not entertain alternative moral outcomes, her treatment of Hetty Sorrel and her crime at least confronts the mental anguish and social distress of her heroine. Unlike the representation of infanticidal women in the reporting of many Assizes cases, the explanations of physiological disruption and temporary insanity are not employed as an evasion of more extensive analysis of the situations in which women concealed their pregnancies and abandoned, or even killed, their babies.

It has been argued that 'the tale of infanticide can [...] be regarded as quintessentially melodramatic', that at the heart of the stories related in newspaper reporting and popular

⁶⁵ Stubbs, *Women and Fiction*, p. 35.

literature is a reaffirmation of 'the wish for a proper private life'.⁶⁶ Eliot's *Adam Bede* and the accounts of trials in the local press undoubtedly contain elements of melodrama particularly in the seduction theme, though neither narrative presents the certainty and resolution which is a fundamental characteristic of this form. Central to the melodramatic imagination is a personalisation of the conflict between good and evil; they are clear-cut positions which serve as a way of exploring morality and social and political issues. In *Adam Bede* there is no triumph of good except, perhaps, in Dinah Morris and Adam Bede who offer alternative models of femininity and masculinity. Arthur Donnithorne, however, is forgiven his misdemeanours and reassimilated into the community he has dishonoured, and Hetty Sorrel, whose child-like trust and silly vanity has been exploited by him, is deeply implicated in her own demise and cannot sustain her author's sympathy. Indeed, a contemporary critic of the novel complained that it 'made light the distinction of right and wrong'.⁶⁷ As for the newspaper stories, seduction was implied but the circumstances rarely investigated and there is in the Suffolk cases no hint of sexual exploitation by men of a socially superior rank.

In both narratives emphasis is placed on the actions of individual mothers; whether they are defined as mentally unbalanced or victims of flattery and seduction their crimes, ultimately, emanate from their inherent weaknesses. Their disordered physiology following childbirth or their lack of moral integrity represent them as flawed women. They are, however, to be pitied and it is significant that in a period when motherhood was identified as the "natural" destiny of womanhood, they are not considered aberrations of their sex. For although a woman's biology predisposed her to

⁶⁶ Arnot, *Gender in Focus*, p. 61.

⁶⁷ *Times*, April 12, 1859.

reproduction and the maternal role it was also believed that her biology could militate against her performance of this function, indeed could pervert her "natural" instincts and lead to the murder of her own child, as demonstrated in the recourse to the insanity plea in legal cases. In Eliot's portrayal of Hetty Sorrell she suggests not physiologically induced diminished responsibility, but that maternal "instinct" could be obstructed by lack of will and responsibility. Hence, in her mental torture Hetty experiences a "natural" pull toward her child but this proves to be inadequate to the task of successful mothering.

In her engagement with the actual act of infanticide Eliot's novel attempts a closer identification with what this deed might have meant for women who committed the crime. She confronts contradictions and conflicts, and permits rationality and emotions to coexist. Such explorations of human complexities were more possible within the fictional form and were not the object of legal procedures and their reporting where the establishment of scientific proof and explanations dominated. However, neither Eliot's representation nor the legal definition and treatment of infanticide as reported in the *Bury and Norwich Post* seriously acknowledged or re-evaluated the economic conditions and social factors which led women to conceal their pregnancies and births and commit acts of infanticide, as the implications of this were far-reaching. It is for this reason that the stories told by the women themselves should not be overlooked and their self-representation should be distinguished from the legal and media interpretation of their accounts and, indeed, from Eliot's fictional portrayal of her infanticidal heroine.

Conclusion

Day after day and hour after hour, she dropped the deadly poison into the food that should have given strength to her victims; into the draughts that should have cooled their fevered lips; into medicines that should have restored their health.¹

In their treatment of criminal women and female victims of crime, literary and journalistic accounts of the mid-nineteenth century prioritise the performance of the feminine role. Women convicted of violence, particularly against their spouses, though few in number, aroused the most extreme responses; they were damaging women whose actions were defined not only as destructive in individual terms but also socially menacing. The magnification of their deviancy through extreme representations and repeated re-tellings of their stories suggest inherent contradictions within, and insecurities surrounding, domestic ideals. For the construction of female aberrations and monsters often denied the very ordinary contexts in which these crimes occurred and the endemic proportions of sexual antagonism. Within the narratives, the slow anger of the poisoning woman was not recognised as a form of rage that could have any rational basis; rather anger was stereotypically delineated in masculine terms as impulsive, a sudden 'heat of blood'. The popularity of crime literature and reporting amongst women, and their determination to attend local trials and executions despite official discouragement, may suggest a suppressed identification, not with the caricature of the murderess, but with the desire to kill. Women's involvement in the production and readership of crime literature is thus an area worthy of further research.

¹ 'Wholesale poisonings - Lewes Assizes', *Bury and Norwich Post*, August 15, 1849.

Infanticidal women, on the other hand, were defined as damaged themselves; their disordered physiological and mental state could mediate on their behalf and the injury to their babies, however regrettable, might be contained within explanations that remained focused on the individual and thus bypassed fundamental issues pertaining to economic structures and social stigma. Women damaged by violence inflicted by husbands, fathers or lovers could expect minimal recognition of the abuses they suffered; their ability to tell their stories was severely constrained and their experiences largely subsumed within dominant and restrictive legal, medical and media discourses. Indeed, rape victims were frequently portrayed as precipitators, victims of their own lack of 'prudence' and therefore complicitous in any damage they sustained. In contemporary crime narratives, therefore, victimhood is confused and ambiguous, and judgements of guilt and innocence are embedded in the formation and negotiation of class and gender ideologies.

Crime stories, encompassing reports of Assizes trials penned by journalists and claiming factual status and the fictional works of dramatists and novelists, occupied an increasingly popular space within mid-nineteenth century culture. This study has demonstrated the significance of these productions in both the construction of social identities and the reformulation of the social body. Predicated on the constitutive abilities of language and a Foucauldian analysis of the relationship between power and knowledge it has illuminated particular discursive practices through which "realities" were defined and power exercised. These processes, however, impacted on real lives and while this thesis has explored the historical potential of exploring images and representations it has in the process highlighted economic, social and gender disadvantage and exploitation. Indeed, a fundamental

rationale for an approach that investigates at the micro-level and seeks to identify particular mechanisms and strategies in the operation and contestation of power, is precisely the depth of understanding that can be achieved of the historical and cultural specificities, subtleties and interconnections of relations of gender, class and "race". It is of limited service to the women whose cases were heard before the Suffolk assizes and reported in the local press to describe their experiences and treatment in ill-defined and overriding terms of oppression and victimhood.

In researching and writing this thesis the idea that female agency can still be expressed through careful negotiation of cultural conventions and practices has sustained me as I have engaged with material that has often been depressing and harrowing. However, the voices of the women themselves, for example in the reporting of court cases, should not be over-emphasised; rather they are faint, as limited opportunities to challenge the dominant narratives were available. Their accounts were often mediated or self-censored and the choices they made in telling their stories were largely confined within the parameters of patriarchal discourses; these could be mobilised in various ways but the cultural tools available to women remained restricted. Effective filtering of their grievances by a judicial system that made prosecutions economically and socially costly for female victims of crime and by the lawyers, journalists and authors who engaged with the experiences of those who nevertheless pressed charges, curtailed the degree and terms in which they could represent themselves. Recognition of this at least involves listening to the silencing.

At the same time the act of bringing prosecutions and the stories they generated enabled some articulation of agency, however restricted it might have been. It is often in the fractures of discourse that alternative or contested representations are suggested. In the detailing of their experiences for the forensic purposes of establishing live birth, women accused of infanticide, for example, incidentally located their actions within a context of poverty and social predicament. By highlighting their circumstances an alternative interpretation to physiological disturbance is offered, and although largely ignored by legal and medical expertise of the day, it can be heeded by the historian. Similarly, those women who spoke their experience of sexual assault before the courts may have risked a great deal more than they stood to gain, but their actions at the very least challenged the official desire to erase. However circumscribed their accounts, they were able through euphemism and selective use of patriarchal language to have their grievances recorded, even if the legal outcome for them was often far from satisfactory. In interpreting the level of female agency that can be identified in the crime narratives that have formed the subject of this thesis I have been conscious of the fine line that exists between a reductive notion of victimhood and the obscuring of power inequalities. Valorisation or heroic exaggeration of the agency that women were able to express masks their very real economic and social disadvantage, and serves patriarchal concerns only too well. On the other hand they were not mere victims but participated in the creation of their social identities; their agency deserves to be acknowledged. The nature of their victimhood also demands re-evaluation. Both fictive and "factual" narratives of the period privileged either "natural" vanity, naiveté and moral ineptitude or, as in the case of infanticide, described women's actions in terms of biological disturbance. Hence their experiences and the abuses they suffered were often

defined as self-inflicted or an inevitable product of their sex; in the foregrounding of economic and social factors this particular representation of female victimhood has been challenged.

In focusing on crime stories, this study has highlighted significant sites of cultural representation in which the distinctive forms and conventions of the genres have been shown to be crucial in the shaping of narratives. Juxtapositioning of both cheap and "respectable" fiction alongside a variety of journalistic works has also revealed how, in the mid-nineteenth century, these forms participated and collaborated in the production and circulation of conceptions of femininity and masculinity, morality, sexuality and criminality. Indeed, fictional pieces purposefully claimed the authority that could be ascribed to the re-telling of 'remarkable lives and trials of notorious criminals, past and present'², however much imaginative license they employed. The placing of local reporting alongside national publications has also revealed the interconnections between the rural and urban and metropolitan worlds; sensational crime stories located in Suffolk were often nationally disseminated and oppositional values associated with the town and country could be constituted and implicated in their telling. Writing about crime, in one form or another, proliferated in the mid-nineteenth century and offers a fertile area for historical investigation. Whether damaging or damaged the portrayal of women as victims and perpetrators placed their gender identity at the very centre of narratives that were also involved in the creation of a wider social world.

² This is the sub-title of the 1863-64 edition of the *New Newgate Calendar*.

APPENDIX 1

Cases of domestic violence: Suffolk Assizes 1830-1860 (Reported in the *Bury and Norwich Post*)

1830	Benjamin Cockerell	Murder of wife	To remain in custody (insane)
1844	Charles Ford	Stabbing and wounding Eliza Lowes at fair	15 years transportation
1845	John Catchpole	Assaulting wife, Elizabeth, with intent to kill. (Separated from wife)	Guilty - death sentence. (Commuted)
1845	William Tebbenham	Shooting and killing wife, Mary Ann	Guilty of manslaughter. 1 year hard labour
1846	Isaac Frost	Violently assaulting Frances Frost, mother, with knife	Guilty of common assault-6 months imprisonment
1847	George Baker	Manslaughter of Elizabeth Jager (German girl)	20 years transportation
1848	James Nunn	Assaulting wife, Mary Ann, with knife	Guilty of common assault 1 month hard labour
1848	Richard Burrige	Stabbing wife, Keziah	Guilty of assault - 3 months
1851	George Carnt	Murdering Elizabeth Bainbridge, lover, by drowning	Guilty - executed

1852	William Rollinson	Murder of Anne Cornell, sister's daughter-in-law, by poison	Guilty - recommendation to mercy
1852	William Baldry	Poisoning wife with intent to murder	Guilty - death penalty respited (Appeal of wife)
1852	John Mickleburgh	Killing Mary Baker, dairymaid, by stabbing at Thrandeston Fair	Guilty - death sentence. (Commuted)
1853	William Flack	Murder of Maria Steggles. Skull beaten in, throat cut. (Robbery)	Guilty - executed
1853	Francis Flory	Killing Susan Flory, wife, by blows to head	Guilty of manslaughter - 1year's imprisonment
1857	Dr Matcham	Manslaughter of Mary Ann Jeckell (attending birth)	Not Guilty
1858	Robert Oliff	Killing wife, Mary - head injury	Acquitted
1858	Ebenezer Chevington	Murder of Susan Studd, domestic servant and lover (poker)	Guilty -executed

Appendix 2

Rape and sexual assault cases: Suffolk Assizes 1830 - 1860 (Reported in the *Bury and Norwich Post*)

1832	James Fox	Rape of Sarah Wells (17) (Sister-in-law)	Acquitted
1834	T Tripp (63)	Assault and attempted rape of Elizabeth Tuck (under 10)	2 years solitary
1834	George Moor (2), Daniel Watson (20), William Jessop (20)	Rape of Elizabeth Chapman (25)	Transportation for life
1838	James Waddell (37) (Land Surveyor - E Counties Railway)	Ravishing Henrietta Shipp (13)	Guilty gross assault - 2 years
1840	Robert Hazel (16)	Ravishing Eliza Roe (12)	Acquitted
1840	William Stimpson (45) "weak intelligence"	Violating Susan Barber (under 10)	Sent out of county for life to work on public roads
1840	Thomas Pizzy (Butcher)	Rape of Susan Hayward	Acquitted
1843	Fred Gooch (19) (Private in Army)	Rape of Charlotte Watling (dom. Serv.)	Acquitted
1845	William Markton (Shopkeeper)	Rape of Jane Brown	Acquitted

1846	James Hoggett (14/15½)	Rape of Sarah Roper (15)	Transportation for life
1846	George Wilson (34) (Travelling Tinker)	Feloniously assaulting Charlotte Plumb (17)	Acquitted
1849	William Bradley (Labourer)	Violently assaulting Ann Steggall	Acquitted
1850	George Moody	Feloniously assaulting Harriet Gooden	Acquitted
1851	Henry Howe, Charles Elliston, Edward Steward	Violently and feloniously assaulting Charlotte Alderton	Guilty of aggravated assault - 18 months
1852	George Norris	Abduction of Caroline Fairweather (16)	18 months in House of Correction
1852	William Harvey (75)	Feloniously assaulting girl aged 8	1 month imprisonment
1852	John Fuller	Feloniously ravishing Frances Woods (21)	Guilty of assault with intent - 6 months
1854	John Cage	Feloniously assaulting Mary Ann Studd (12/13)	14 years transportation
1854	Henry Cumby	Rape at Hopton	Guilty - 4 years imprisonment
1854	William Mean, Albert Garrodd - aiding and abetting	Feloniously assaulting Mary Ann Huron	15 years transportation - 2 years hard labour

1854	James Wells	Ravishing Eliza Bean (stepdaughter)	Guilty of intent - 2 years hard labour
1854	John Godfrey	Ravishing Maria Cross	Guilty - transportation for life
1857	George Kerridge (16)	Ravishing Ann Elizabeth Bird	Not guilty
1857	Robert Southgate (18), Alfred Rodwell (17), Edward Bloomfield (17)	Ravishing Elizabeth Mary	Not guilty
1857	John Halls	Ravishing Fanny Wiseman (married woman)	Not guilty
1857	George Holden	Unlawfully and carnally knowing and abusing Elizabeth Holden (10-12) - daughter	6 months hard labour
1858	George Phillips	Rape of illegitimate daughter (15)	Acquitted
1858	Robert Lummis (Labourer)	Unlawfully assaulting Mary Ann Mills with intent	12 months' imprisonment
1858	Joshua Smyth (Farmer)	Rape of Caroline Saunders	Acquitted
1859	Thomas Stone (16)	Rape of Emma Smith (10 - 12)	2 years hard labour
1859	Fred Jones (Drover)	Indecently assaulting and abusing Emma Osborne (11)	18 months hard labour

1860	Samuel Wright (Marine Store Dealer)	Rape of Sarah Baker (13)	15 years imprisonment
1860	Joshua Hempstead (16) (Ostler)	Rape of Fanny Mitchell	Guilty of attempted rape - 9 months hard labour

Appendix 3

CRIME IN WEST SUFFOLK, JANUARY 1844 - JANUARY 1845

(Statistics compiled from Receiving Book - Bury Gaol)

Number of committals		% of total	Number of convictions		%
Men	529	90.4	Men	477	90.2
Women	56	9.6	Women	45	80.4
Total	585	100%			

Male prisoners received into Bury Gaol by offence

Poaching and trespassing in pursuit of game	92	17.4
Theft	154	29.1
Arson	36	6.8
Refusing to maintain family/becoming chargeable	23	4.3
Vagrancy	50	9.5
Damage to property	39	7.4
Assault	78	14.7
Misbehaviour/damage in the workhouse	31	5.9
Public order offences	6	1.1
Other	19	3.6
Total	529	

Female prisoners received into Bury Gaol by offence

Theft	31	55.4
Arson	2	3.6
Refusing to maintain child	1	1.8
Vagrancy	3	5.4
Damage to property	1	1.8
Assault	3	5.4
Misbehaviour/damage in the workhouse	4	7.1
Public order offences	5	8.9
Concealing birth of a child	2	3.6
Murder of child	1	1.8
Receiving stolen goods	2	3.6
Other	1	1.8
Total	56	

<u>Recidivism</u>	Number	% of those committed
Men	193	36.5
Women	90	16.1

Ages of women committed to Bury Gaol

Age	Number	%
0 - 14	2	3.6
15 - 19	7	12.5
20 - 24	10	17.9
25 - 29	14	25.0
30 - 34	4	7.1
35 - 39	3	5.4
40 - 44	3	5.4
45 - 49	5	8.9
50 - 54	1	1.8
55 - 59	2	3.6
60 - 64	3	5.4
65 -69	1	1.8
Other	1	1.8

Marital status

	Number of women	% of women committed
Single	29	51.8
Married	16	28.6
Widowed	8	14.3
Not given	3	5.4

Literacy

	Number of women	%
Neither read nor write	19	33.9
Read and write	7	12.5
Read	17	30.4
Read/write imperfectly	8	14.3
Not given	5	8.9

CRIME IN WEST SUFFOLK APRIL 1865 - AUGUST 1866
(Statistics compiled from Receiving Book - Bury Gaol)

Number of committals		% of total	Number of convictions		%
Men	471	88.5	Men	458	93
Women	61	11.5	Women	57	93
Total	532	100%			

Male prisoners received into Bury Gaol by offence

Poaching and trespassing in pursuit of game	60	12.7
Theft	156	33.1
Arson	4	0.9
Refusing to maintain family/becoming chargeable	17	3.6
Vagrancy	25	5.3
Damage to property	25	5.3
Assault	73	15.5
Misbehaviour/damage in the workhouse	9	1.9
Public order offences	74	15.7
Other	28	6.0
Total	471	100

Female prisoners received into Bury Gaol by offence

Theft	25	41.0
Assault	3	4.9
Damage to property	6	9.8
Vagrancy	3	4.9
Public order offences	12	19.7
Misbehaviour in workhouse	8	13.1
Concealing birth of a child	1	1.6
Trespass	1	1.6
Other	2	3.3
Total	61	99

<u>Recidivism</u>	Number	% of those committed
Men	175193	37.2
Women	80	13.1

Ages of women committed to Bury Gaol

Age	Number	%
0 - 14	1	1.6
15 - 19	11	18.0
20 - 24	12	19.7
25 - 29	9	14.8
30 - 34	2	3.3
35 - 39	9	14.8
40 - 44	10	16.4
45 - 49	2	3.3
50 - 54	3	4.9
55 - 59	1	1.6
60 - 64	0	0
65 -69	0	0
70 - 74	1	1.6

Marital status

	Number of women	% of women committed
Single	27	44.3
Married	29	47.5
Widowed	5	8.2

Literacy

	Number of women	%
Neither read nor write	16	26.2
Read and write	2	3.3
Read	10	16.4
Read/write imperfectly	32	52.5
Not given	1	1.6

Appendix 4

Broadside of Catherine Foster

Broadside 1: Lines on the Execution of Catherine Foster

LINES ON THE EXECUTION OF CATHERINE FOSTER, AGED 18 YEARS,

Which took place at Bury St. Edmunds, Suffolk, for the Wilful Murder of John Foster, her Husband, 3 weeks after Marriage.

CATHERINE FOSTER, described in the calendar as being only 18 years of age, was tried at Bury assizes for the Wilful Murder of her Husband by poison. The facts of the case were clear against her: evidence having been adduced proving that such deadly ingredients had been in her possession; that she made the dumplings of which her husband partook—none of which she tasted herself; and which, upon analysis was found in that part of the dumpling left over at dinner. Her counsel made a most forcible appeal to the jury on her behalf, and the judges summing up was clear & emphatic: but she was unfortunately found Guilty, and sentenced to be executed.

Her case excited great sympathy, as she had only been married three weeks, and that she did not marry the man of her choice. She stated in her last moments that her parents persuaded her to marry John Foster, against her will, because he was well to do in the world and better off than her first and only lover. The interview between her and her parents was really heartrending; but she forgave her parents.

Numerously signed petitions were forwarded, praying for a commutation of her sentence; but it was directed the law should take its course.

On the day of execution the chaplain and officials assembled and when she appeared on the scaffold, in compliance with her own request, she was attended by the Rev. Mr. Eyre, vicar of the parish where she was born, and who had only a short time ago married her at the altar. When on the scaffold she was dressed in deep mourning, and apparently very penitent and resigned to her fate. The executioner performed the duties of his office in the usual manner, when the poor creature was launched into eternity amid the tears of nearly all present.

COPY OF A LETTER:

Written the day before Execution.

DEAR THOMAS,—Beloved of my heart; if you knew all I have wrote. Oh! how my hand trembles! I kindly thank you for the trouble you have had on my account. A few words will tell you all. I cannot try to sleep. Oh! can you imagine how I suffer. My father and mother have been to see me almost every day; but this day I take my final farewell. We had prayer yesterday; and to-day we take sacrament together, and may God bless them in this world. Dear Thomas I have not neglected my prayers since I have been condemned, and I hope God will accept them: I hope to be happy in the next world. You wish to know how I am? Sometimes I am ready to burst with grief, and at others I am quite resigned to my fate. I should have died had not my poor aged parents been for they kept up my poor broken heart. They say they have been the cause of my wretched fate. The governor and officers have been kind to me; more than I expected. I have had more comfort than I ever thought to obtain; but God is good. I have another good friend, the Rev. Mr. Eyre, clergyman of the parish church. He was always very kind to me when a child at school, & I hope the Lord will bless him. I am in this jail a prisoner condemned to die. A memorial has been presented to the Queen, but the law in my case must take its course. To-morrow decides my fate. By the time you get this I shall be no more. God bless you! This is my last to you in this life; but I hope to meet you in the next world. Farewell! and the Almighty be with you. I remain, yours truly,

CATHERINE FOSTER.

COPY OF VERSES.

THE solemn knell does most awful sound,

Oh! God, in pity on me look down;
 Forgive my sins, and compassion take,
 And grant me fortitude to meet my fate.

Oh, what numbers approach to see,
 A wretched female on the gallows tree,
 My time is come, and I shall be soon,
 A prey for worms in the silent tomb.

When scarce eighteen years of age,
 To wed J. Foster my parents did me engage,
 He was to me both good and kind, (pity,
 But murder entered my guilty mind.

Although I married, I did not him like,
 That was the reason I took his life;
 Such was the reason I did him kill,
 Maids never marry against your will.

We married had been but three short weeks
 When to take his life I a plan did seek;
 I procured some poison one fatal day,
 And with the same took his life away.

Three weeks I've lain in my dreary cell,
 My painful sufferings no tongue can tell,
 To gain a pardon my friends have tried,
 But, oh, alas! it has been denied.

Petitions have in my favour been,
 Sent from Bury to our Gracious Queen,
 But, oh! no mercy can there be for me,
 That's doom'd to die on the fatal tree.

'Twere better I had ne'er been born,
 To die a death of public scorn,
 In youth and bloom on the fatal tree,
 Oh, Lord! in mercy, look down upon me.

Young men & women, 'ere it be too late,
 Pray take a warning by my sad fate,
 Trust in your Saviour who reigns above,
 And never marry where you can't love.

My bosom heaves, I'm borne down with woe,
 My grave lies open—and I must go,
 To sleep in death, 'till the Judgment day
 When God will pardon me, I firmly pray.

Broadside 2: *The Trial Execution and Confession of Catherine Foster*

COPY OF VERSES.

Behold a female in her prime,
In health, in youth, and bloom,
Harr'd from all earthly joys
Unto a silent tomb;
A pre-to worm, oh! must I be,

Oh! how shall I my Saviour see
Upon the Judgment Day.

Oh! what numbers do approach
To gaze on me forlorn,

A murderer's eighteen years of age,
To die a death of scorn,

Upon this fatal Saturday,
My bosom heaves with grief,

Oh! must I go, borne down with woe,
For me there's no relief.

Three weeks within my gloomy cell
For mercy I have cried,

They petition did my gracious Queen,
But pardon was denied;

She said no mercy could be shown,
No power could me save,

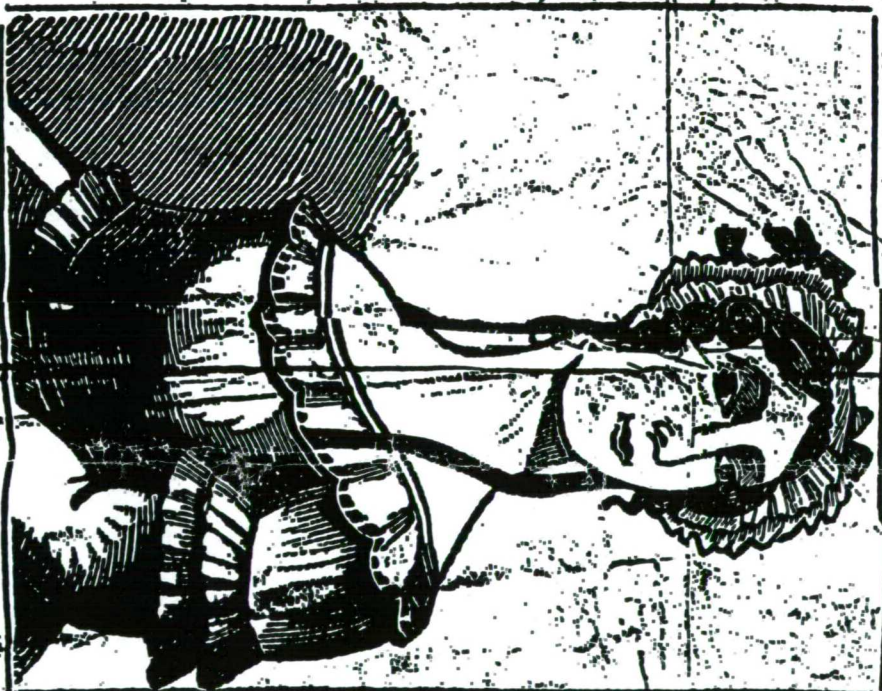
But I must go, a murderer be
To mould'ry in the grave.

My name is Catherine Foster,
You pretty maidens all,

Think on me when I'm in my tomb,
And pity my downfall.

Walk in virtue's ways and get
Your rest in God above,

And never bid yourself to wed
A man you cannot love.



PORTRAIT OF CATHERINE FOSTER

John Foster was my husband's name,
As you may understand,
A kind and tender husband,
A good industrious man;
But three short weeks we'd married been
I to him took a dislike,
And in his food did poison mix
To take away his life.

When Foster to my room returned,
He weary did sit down,
He smiled on me, but I did give
Upon him with a frown;
Vicious rage'd within my breast,
The poison was prepared,
Which I to him administered
Dropt of dead or less.

A murdered man by my side lay,
With joy I did him see,
And God ordain'd my wicked deeds
Should soon discovered be;
The fowls did from the dunghill eat,
Where the contents was thrown,
And that goodpeople was the way
The murder became known.

I am on the drop, I cannot stop,
How awful is my fate,
My dreadful deed I can perceive,
Alas! when 'tis too late.
My bosom heaves, my heart recoils,
Grim death on me does call,
I of my sins do sore repent,
Oh! God receive my soul.

BIRT, Printer, 89, Great St. Andrew Street, Seven Dials, London.

Broadside 3: *Trial, Confession and Execution of Catherine Foster*

If e'er a deed of blood was told.
 Oh list what I impart,
 'Twill melt I'm sure when I unfold
 The deepest hardened heart.
 Catherine Foster is her name,
 At Acton she did dwell,
 Near to the town of Sudbury,
 As many know full well.
 Her husband's supper she prepared,
 Upon one fatal night,
 Some dumplings mixed with arsenic,
 To take away his life!
 The dreadful crime of murder,
 Was raging in her breast,
 For to commit the horrid deed,
 Oh, what could her possess.

The seventeenth of last November,
 At seven o'clock at night,
 He from his labour did return,
 Not thinking that his life
 Would be that evening took away,
 In the midst of health and bloom,
 By her whom he did dearly love,
 And hurried to the tomb.
 Her life she must a forfeit pay,
 Exposed to public view,
 Only eighteen years of age,
 She cries what shall I do.
 A last adieu my parents dear,
 Oh, that I had ne'er been born,
 To die upon the fatal tree
 A dreadful death of scorn.

Hark, hear the solemn knell,
 Which bids me to prepare,
 This world to leave it makes me grieve,
 In anguish to despair:
 I poor John Foster murdered,
 The deed I must confess,
 When but three weeks we had married been
 O, what could me possess.

Oh! what a dreadful sight to see,
 A female in her prime
 Suspended to the fatal tree:
 For slaying a husband kind,
 Young women all a warning take;
 By her untimely fate,
 And consider their latter end,
 Before it is too late.

Printed by James Broadhurst St. Benedick,

Appendix 5

Cases of infanticide and concealment of birth: Suffolk Assizes 1830-1860 (Reported in the *Bury and Norwich Post*)

Table 1: Infanticide

30. 7. 34.	Harriet Grimwood	Murder of newborn son by suffocation	2 years imp. for concealment only
29. 7. 35.	Mary Stopher	Murder of illegitimate child	6 months imp. for concealment only
30. 7. 44	Mary Sheming	Poisoning 10-week-old illegitimate grandchild	Guilty. Death sentence
30. 7. 44.	Catherine Jarrold	Willful murder of newborn child	6 months imp. for concealment only
18. 9. 44	Eliza Frost	Child murder	Guilty
9. 8. 48.	Hannah Bowyer	Poisoning 2/3-year-old illegitimate child with hemlock	Not Guilty
7. 8. 50.	Mary Robinson	Poisoning 15-month-old child	Not Guilty
9. 4. 51.	Maria Clarke	Burying alive newborn child	Guilty. Death sentence commuted
9. 4. 51.	Sarah Bly	Killing newborn child by cutting throat with razor	Not Guilty (insanity)
4. 8. 52	Maria Stewart	Strangling female bastard child with garter	Not Guilty (insanity)

26. 3. 56.	Emma Mussett	Battering newborn child to death with brick	Guilty. Death sentence commuted
23. 3. 58.	Emma Groom	Destroying 15-month-old illegitimate child	Guilty. Recommendation to mercy
27. 3. 60.	Maria Knights	Suffocation of newborn illegitimate female child	2 years imp. for concealment only

Table 2: Concealment of birth

22. 7. 31.	Sarah Barbroke	Concealing birth of male child	12 months
26. 3. 34.	Harriet Ashman	Concealing birth of female bastard child	18 months
31. 3. 41.	Mary Wilson	Concealing birth of child	No true bill
31. 3. 41.	Hannah Clarke	Concealing birth of child	6 months
5. 4. 43.	Harriet Hufley	Concealing birth of illegitimate child	6 months
31. 7. 44.	Susan Rose	Concealing birth of female child	3 months
31. 7. 44.	Mary Barber	Concealing birth of illegitimate female child	1 month solitary confinement
31. 7. 44.	Ann Bailey	Concealing birth of male bastard child	3 months

5. 8. 46.	Lydia Mott	Concealing birth of child	3 months
5. 8. 46.	Hannah Peck	Concealing birth of child	3 months
31. 3. 47.	Mary Ann Gooday	Concealing birth of illegitimate male child	Sentence deferred
31. 3. 47.	Mary Ann Balls	Concealing birth of male child	1 month
3. 4. 50	Anna Watkinson	Concealing birth of illegitimate female child	6 weeks
3. 4. 50.	Jemima Brown	Concealing birth of male child	1 month
24. 3. 52	Elizabeth Folkard	Concealing birth of illegitimate child	1 month
24. 3. 52.	Maria Bowen	Concealing birth of male child	3 months
4. 8. 52.	Amelia Tye	Concealing birth of still-born child	1 month
29. 3. 54.	Maria Borley	Concealing birth of child	Not Guilty
27. 7. 58	Sarah Ann Wade	Concealing birth of illegitimate female child	1 month
27. 3. 60	Phoebe Chaston	Concealing birth of illegitimate female child	4 months

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